

**Minutes of 1070th Meeting of the
Town Planning Board held on 10.10.2014**

Present

Permanent Secretary for Development
(Planning and Lands)
Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Dr W.K. Yau

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Patrick H. T. Lau

Ms Christina M. Lee

Mr H. F. Leung

Mr F.C. Chan

Dr Eugene K.K. Chan

Mr Francis T.K. Ip

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Principal Environmental Protection Officer

Mr Ken Y.K. Wong

Assistant Director, Home Affairs Department

Mr Eric K.S. Hui

Principal Assistant Secretary for Transport and Housing

Ms Winnie M.W. Wong

Director of Lands

Ms Bernadette H.H. Linn

Director of Planning

Mr K.K. Ling

Deputy Director of Planning/District

Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Mr Roger K.H. Luk

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Professor K.C. Chau

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Stephen H.B. Yau

In Attendance

Assistant Director of Planning/Board

Ms Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

Mr Louis K.H. Kau

Senior Town Planner/Town Planning Board

Ms Johanna W.Y. Cheng

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1067th Meeting held on 19.9.2014

[The meeting was conducted in Cantonese]

1. The minutes of the 1067th Meeting held on 19.9.2014 were confirmed without amendments.

Agenda Item 2

[Open Meeting] [The meeting was conducted in Cantonese]

(i) Reference Back of Approved Outline Zoning Plans (OZPs)

2. The Secretary reported that, on 2.9.2014 and 16.9.2014, the Chief Executive in Council referred the following approved OZPs to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the OZPs was notified in the Gazette on 19.9.2014 and 26.9.2014:

Referred on 2.9.2014 and notified in the Gazette on 19.9.2014

- (a) Ho Man Tin OZP No. S/K7/22;
- (b) Tung Chung Town Centre Area OZP No. S/I-TCTC/18;

Referred on 16.9.2014 and notified in the Gazette on 26.9.2014

- (c) Shau Kei Wan OZP No. S/H9/16;
- (d) Ma Tau Kok OZP No. S/K10/20; and
- (e) Kai Tak OZP No. S/K22/4.

(ii) Approval of Outline Zoning Plans (OZPs)/Development Permission Area (DPA) Plan

3. The Secretary reported that, on 2.9.2014 and 23.9.2014, the Chief Executive in Council approved the following draft OZPs/DPA Plan. The approval of the OZPs/DPA Plan was notified in the Gazette on 19.9.2014 and 3.10.2014:

Approved on 2.9.2014 and notified in the Gazette on 19.9.2014

- (a) Mui Wo Fringe OZP (renumbered as S/I-MWF/10);
- (b) South Lantau Coast OZP (renumbered as S/SLC/19);

Approved on 23.9.2014 and notified in the Gazette on 3.10.2014

- (c) South West Kowloon OZP (renumbered as S/K20/30);
- (d) Tai O Fringe OZP (renumbered as No. S/I-TOF/2); and
- (e) Chuen Lung and Ha Fa Shan DPA Plan (renumbered as No. DPA/TW-CLHFS/2).

[Ms Bernadette H.H. Linn and Mr Lincoln L.H. Huang arrived to join the meeting and Mr Eric K.S. Hui left the meeting temporarily at this point.]

Sha Tin, Tai Po & North District

Agenda Item 3

[Open Meeting (Question Session only)]

Further Consideration of Representations and Comments in respect of the Draft Pak Shek Kok (East) Outline Zoning Plan No. S/PSK/12

(TPB Paper No. 9718)

[The meeting was conducted in Cantonese]

4. The following Members had declared interests in this item:

Mr Stanley Y.F. Wong - co-owning a flat and 2 parking spaces at Deerhill Bay near Pak Shek Kok with his spouse and being the Chairman of the Incorporated Owners of Deerhill Bay which had submitted Representation No. R178

Dr W.K. Yau - owning a house and land in Cheung Shue Tan Tsuen near Pak Shek Kok

Mr Roger K.H. Luk - being the Board of Directors of the Chinese University of Hong Kong (CUHK) which is considered by some representers as having synergy effect with the Hong Kong Science Park (HKSP) in Pak Shek Kok on the development of the Research and Development (R&D) sector in Hong Kong

Professor K.C. Chau] being professors in CUHK, some representeres
Professor P.P. Ho] considered that CUHK would have synergy effect with HKSP on the development of the

R&D sector in Hong Kong

- Mr Dominic K.K. Lam - his company had undertaken the HKSP Phase 2 project some 10 years ago
- Mr Peter K.T. Yuen - the HKSP project was under his purview when he worked in the civil service some 14 years ago

5. Members considered that the interest of the Vice-chairman was direct and should be invited to leave the meeting temporarily. Members considered that the interest of Dr W.K. Yau would only be direct if his property would be directly affected by the zoning of the site and Members noted that Dr Yau had not yet arrived to join the meeting. Members considered that the interests declared by all the other Members were indirect and they should be allowed to stay in the meeting and participate in the discussion. Members noted that Mr Roger K.H. Luk, Professor K.C. Chau and Mr Dominic K.K. Lam had tendered apologies for not being able to attend the meeting.

6. The following government representatives, representative of the Hong Kong Science and Technology Park Corporation (HKSTPC) and representers/commenters and their representatives were invited to the meeting at this point:

- Mr C.K. Soh - District Planning Officer/Shau Tin, Tai Po and North, PlanD (DPO/STN)
- Mr Eric C.Y. Chiu - Town Planner/Tai Po, PlanD
- Mr Johann C.Y. Wong - Deputy Commissioner for Innovation and Technology (I&T), Innovation Technology Commission (ITC), Commerce and Economic Development Bureau (CEDB) (DC for I&T, ITC, CEDB)

Mr Vincent C.L. Tang - Assistant Commissioner for
Innovation and Technology, ITC,
CEDB (AC for I&T, ITC, CEDB)

Mr Richard C.K. Chan - Senior Manager, CEDB

Mr Ben S.S. Lui - Vice-president, Projects and
Facilities, HKSTPC

R4 - Virginia H. L. Ng

Ms Virginia H.L. Ng - Representer

R6 – Ezra Information Technology Ltd.

Mr Leung Tseng Wai - Representer's representative

R12 – Tseng Hing Tin

Mr Tseng Hing Tin - Representer

R71 – Incorporated Owners of Providence Peak Providence Bay

Mr Chan Ting Hin - Representer's representative

R75 - Chan Siu Kuen (Tai Po District Councillor)

Mr Chan Siu Kuen - Representer

R127 – Lin Bik Ka

Ms Lin Bik Ka - Representer

R143 – The Graces Providence Bay Property Management Co. Ltd.

Ms Ho So Man - Representer

R179 - Wong Bun Yuen

Ms Lin Bik Ka - Representer's representative

R233 - Che Chi Mei

Mr Ku Yat Ming, Calvin - Representer's representative

R315 - Lau Kim Fung

Mr Lau Kim Fung - Representer

C32 - Wong Lai Ying, Mariah

Ms Wong Lai Ying, Mariah - Commenter

C58 – Hon Charles Mok (Legislative Councillor)

Ms Monica T.W. Ma - Commenter's representative

C59 – Internet Professional Association

Dr Witman Hung - Commenter's representative

C61 - ToloMix

Ms Yvonne Wong - Commenter's representative

7. The Chairman extended a welcome and said that the Town Planning Board (the Board) had considered the representations and comments in respect of the draft Pak Shek Kok (East) Outline Zoning Plan (OZP) No. S/PSK/12 on 5.9.2014. The amendments were in respect of rezoning a site along Chong San Road (the site), originally reserved for HKSP Phase 4, from "Other Specified Uses" annotated "Science Park" ("OU(SP)") to "Residential (Group B)6" ("R(B)6") for medium density residential development and a consequential amendment for rezoning a site adjoining the "R(B)6" zone to "Government, Institution or Community" ("G/IC") to reflect the existing sewage pumping station at Fo Yin Road. At the meeting on 5.9.2014, Members agreed to defer making a decision on the representations and requested PlanD to liaise with the ITC to obtain information as detailed in paragraph 194 of the confirmed minutes. The question and answer session had commenced and this session was for continuation of the meeting.

8. The Chairman continued to say that this meeting was for ITC to present the information as requested by the Board. The representers/commenters or their representatives who attended the meeting on 5.9.2014 were invited back to the meeting. The representatives of ITC would be invited to present the information first, and then he would invite questions from Members whom might direct the question to the government representatives, representative of HKSTPC or the representers/commenters or their

representatives. He then invited ITC to make the presentation.

[Mr Patrick H.T. Lau arrived to join the meeting at this point.]

9. With the aid of a powerpoint presentation, Mr Vincent C.L. Tang (AC for I&T) made the following main points:

- (a) at the last meeting, Members had raised concern about how the future demand for I&T related office and laboratory floor space could be satisfied if the site was rezoned for residential use. He would highlight the main measures being considered by ITC/HKSTPC below;
- (b) the first Policy Address of the Hong Kong Special Administrative Region announced in 1998 had already set out the long term vision of developing Hong Kong into a centre for I&T. One of the initiatives was to build a science park on a 22-hectare site in Pak Shek Kok over 15 years in three phases;
- (c) Phases 1 and 2 of the HKSP were completed in 2004 and 2008. Phases 1 and 2 provided 220,000 sq.m. of gross floor space (GFA) and about 96.3% of the floor space were rented out;
- (d) the Phase 3 development would be completed between 2014 and 2016 and would provide an additional GFA of 105,000 sq.m. With the Phase 3 development, it was estimated that the demand for I&T related office and laboratory floor space could be met to about 2018/2019;

[Ms Bonnie J.Y. Chan, Mr H.F. Leung and Dr Eugene K.K. Chan arrived to join the meeting during ITC's presentation.]

- (e) the HKSTPC was studying options for better utilization of land in Phases 1 to 3. In particular, possible development options included:
 - (i) development on a vacant site and the adjoining public transport

interchange (PTI) site in the south western corner of the Phase 3 site (i.e. east of the Fo Yin Road and Chong San Road junction), which could provide an estimated GFA of 70,000 sq.m.;

- (ii) redevelopment of the multi-storey car park in Phase 1 and development on a piece of government land (0.8 ha) near the entrance of HKSP that could provide a total of about 50,000 sq.m. of GFA; and
- (f) the above development options could provide a total of 120,000 sq.m. of additional GFA on the existing land in Phases 1 and 3 and were estimated to be able to meet the demand in the few years after 2018/2019. These development options were initial concepts that were subject to approval by the relevant government authorities;
- (g) in the longer term, the ITC had been liaising closely with the PlanD to reserve sufficient land suitable for R&D in the new development areas (NDAs);
- (h) with regard to Members' other question raised on 5.9.2014 about the contribution of business operations in the HKSP to Hong Kong's economy, the Census and Statistics Department and HKSTPC did not have such information available. However, according to a study commissioned by HKSTPC in 2009 on the economic benefits arising from the HKSP, it was estimated that Phases 1 and 2 of the HKSP had brought about \$2.9 billion of value added per year to the economy. This estimation was done 5 years ago and only covered Phases 1 and 2 and HKSTPC had not carried out any similar study since then; and
- (i) with regard to Members' question raised in the meeting on 5.9.2014 about the breakdown of technology clusters by different phases of the HKSP, HKSTPC had advised that they had not gathered such information. For data regarding the whole HKSP, as at end August 2014, the distribution of partner companies by clusters was information

technology and telecommunications (34%); electronics (25%); green technology (14%); biotechnology (13%); precision engineering (9%); and professional companies providing value-added services (5%).

10. As the representative of ITC had finished the presentation, the Chairman invited Members to continue with their question session.

Land for I&T Sector outside of Pak Shek Kok

11. The Chairman asked the representatives of ITC to highlight the land supply and demand situation in the existing HKSP. Mr Johann C.Y. Wong, DC for I&T, said that the HKSP Phase 3 development with some buildings nearing completion and some under construction would likely satisfy the demand for R&D related laboratory and office space up to 2018/2019. The 120,000 sq.m. of additional GFA mentioned earlier would be able to satisfy the demand for the few years after 2019. After that, demand could be satisfied by land reserved for R&D and technology parks in the NDAs. The Chairman further asked whether the Lok Ma Chau Loop would be considered as a suitable location for future expansion of science park uses. Mr Wong replied that land had been reserved for R&D in the Lok Ma Chau Loop and was a possibility, how that would be used would be subject to future developments.

12. A Member asked what the disadvantage of developing technology park in other locations were as compared to developing Phase 4 on the site. Mr Wong said that as land within HKSP was limited and there was a need to consider the demand for I&T floor space in other parts of the territory, ITC had been liaising with PlanD to identify additional land for the I&T sector in the NDAs and Lok Ma Chau Loop.

13. A Member said that land within Pak Shek Kok, even if it was to include the Phase 4 site, would still be very limited as compared to science parks in other places. The Member asked whether reclamation in the adjoining water had ever been considered as a possible way to satisfy expansion needs of HKSP in the longer term. Mr C.K. Soh, DPO/STN, said that land had been/would be reserved for R&D and creative industry uses in areas outside Pak Shek Kok, including in the NDAs, Lok Ma Chau Loop. Reserving land which could provide employment opportunity in the new development areas was

necessary for a balanced community development. In addition, to explore ways to increase land supply, the feasibility of reclamation at Ma Liu Shui near Sha Tin New Town and Pak Shek Kok was being studied.

Better Utilisation of Phases 1 to 3

14. A Member asked whether the HKSTPC had started to take forward the development proposals for the 120,000 sq.m. of additional floor space. Mr Wong said that ITC and HKSPTC were actively considering the technical details, town planning procedures and financial aspects of these additional development options. The Member said that if the developments had to be completed by around 2019, the town planning and building processes should have commenced by now. Mr Soh said that the development of 70,000 sq.m. GFA on the site at the south western corner of Phase 3 could be undertaken first as that site had been zoned for science park purpose, and no OZP amendment nor planning applications were required. The other development option for 50,000 sq.m. GFA that involved government land not currently zoned for science park purpose would take a longer time to implement. PlanD had been liaising with ITC about the technical details of the development proposals in the review being undertaken by the HKSTPC (HKSTPC Review). There was good prospect for adequate floor space to be made available in time to satisfy the short and medium term demand.

15. A Member asked whether there were plans to show the location of those areas that were proposed to be further developed or redeveloped. With the aid of a plan, Mr Wong pointed out the locations of the three buildings within Phase 3 that had already been completed and would be occupied soon, the location of the other two buildings near the waterfront that were now at foundation laying stage, and the locations of the vacant site and PTI site in the south western corner of Phase 3 that were proposed to be developed to provide 70,000 sq.m. of GFA.

16. A Member said that given the lead time required for design and construction and the need to re-provision the PTI, he was not sure if the additional 120,000 sq.m. of GFA could be provided by 2018/2019. The Member asked how long it had taken to plan and construct the Phase 3 buildings and what the re-provisioning arrangements for the PTI would be. The Chairman asked when the proposed 70,000 sq.m. development would

be available for use.

17. Mr Ben S.S. Lui (Vice-president, Projects and Facilities, HKSTPC) said that the design and construction of the buildings in Phase 3 took about three years. Detailed design for the development in the south western corner of Phase 3 had not commenced. If that development had to be completed by around 2020, they could engage professionals for the project around 2016. Hence, there would still be around two years to resolve the design and financial arrangements and the proposal was feasible.

18. Regarding the reprovisioning of the PTI, Mr Lui said that there were only very few bus routes serving HKSP. The PTI had extra capacity to cater for the Phase 3 as well as the 120,000 sq.m of additional GFA being proposed. The site with 1.1 ha in area was relatively large and there was scope for phased development to minimise disruption to the PTI. In addition, some bus stops could be reprovisioned along the road and the spacious lay-bys within HKSP. There were no insurmountable difficulties envisaged for the interim arrangements for reprovisioning the PTI.

19. With regard to the proposal of redeveloping the multi-storey car park in Phase 1 and re-provisioning the car parking spaces in the basement, a Member asked whether HKSTPC was aware of the water table at the proposed location that might make construction of multi-storey basement very expensive. Mr Lui said that there were 1,600 car parking spaces but for most time in the weekdays, the car park was only 50% utilised. Their initial plan was to re-provision some of the car parking spaces in the development at the south western corner of Phase 3.

20. A Member said that HKSP was developed with a special emphasis on a green, and safe ambience to foster an environment that could nurture ideas and innovation. As seen on the plan, the Phase 3 development was built up to the edge of the site near the main roads, when adopting such design, the Member asked if there were plans to provide more buffer space on the Phase 4 site to ensure that the ambience and environment of HKSP could be maintained. Mr Wong said that the core design values of green, environmental friendly and an environment that would nurture creativity would be maintained in Phase 3. While Phases 1 and 2 were built in a campus like environment, more green building design had been incorporated in the Phase 3 development. When

the Government considered the land use for a particular piece of land, it was necessary to consider whether there was immediate or short-term needs. Funds sought from Legislative Council in 2010/2011 were only for development of Phase 3 and they had never drawn up plans for Phase 4 because it was projected that the 22ha of land in Phases 1 to 3 could satisfy the I&T demand up to the medium term.

Synergy and Clustering Effect

21. A Member said that as there were existing facilities that provided shared services to companies in Phases 1 to 3, it appeared that developing Phase 4 on the site rather than in other locations would better capture this synergy effect. Mr Wong said that there were supporting accommodations such as incubation centres, professional consultancies and legal services that provided support to companies operating in HKSP. HKSP also provided an environment for companies to interact and exchange ideas on business and research development. If Phase 4 was built on the site, such synergy effect could be maintained. However, with the advancement of telecommunications and web-based services, companies could be less reliant on physical interaction within the same location.

22. Another Member said that many science/technology parks overseas emphasized the importance of clustering effects, and HKSP also stressed the importance of clustering on its website. In this regard, the Member asked whether the option of using the site for residential purpose and locating new science parks in the NDAs was preferred or vice versa. If the site was used for residential development, it was irreversible and it was not possible for HKSP to further expand the cluster at this location. On the other hand, there were many other sites suitable for residential development elsewhere. Mr Wong said that the HKSTPC was managing the HKSP, the three industrial estates and the InnoCentre in Kowloon Tong. Each of those facilities was a cluster in itself. The HKSTPC was reviewing how to better utilise land both within HKSP and the industrial estates. In fact, existing companies in the industrial estates also included high-end manufacturing such as pharmaceutical products and precision equipment and these manufacturing operations also included research elements. Clustering of science park within Pak Shek Kok would definitely have benefits but developing new technology parks in other locations could create new clustering effect. The more important factor was that

the Government would continue to provide policy support to the further development of HKSP, the industrial estates and the InnoCentre.

23. Mr K.K. Ling, Director of Planning, said that according to the representative of ITC, the first Policy Address stated that the HKSP would be developed in three phases over 15 years and there was no mention of Phase 4. He asked HKSTPC whether their priority was to develop Phase 4 or to better utilise land within HKSP Phases 1 to 3 and the industrial estates. Mr Wong said that they would closely monitor the take-up rate of Phase 3. In the HKSTPC Review, they would review how land in the Science Park and the industrial estates could be better utilised.

24. A Member asked ITC to state more clearly whether development of HKSP Phase 4 at Pak Shek Kok was preferred over developing of new technology parks in other locations. Mr Wong said that based on their proposed plans outlined above, sufficient floor space could be provided to satisfy the demand from the I&T sector up to the medium term (a few years after 2018/2019). Hence, currently there was no plan for Phase 4 development for HKSP.

25. A Member said that in May 2011, when the Financial Secretary attended the HKSP 10th Anniversary celebration, he had indicated that HKSP Phase 4 would be built in Pak Shek Kok and if necessary, reclamation could be considered for its expansion. However, the representative of ITC seemed to indicate that there was now no urgency or necessity to pursue Phase 4 at the site. The Member asked why there was a change in the Government's position. The Member also asked what the contingency plan would be if the take-up rate for Phase 3 was faster than forecasted. The Member opined that there appeared no urgency to rezone the site for residential use at this juncture, and that the Government would instead wait for a while longer to assess the actual take-up rate of Phase 3 before making a decision.

26. Mr Wong said that currently about 30% of the floor space in the three completed buildings in Phase 3 had been pre-leased. They were confident that when Phase 3 became fully occupied by around 2018/2019, the proposed 70,000 sq.m. development would be built in time to meet the new demand. With regard to the Financial Secretary's statement made in 2011, Mr Wong explained that the policy of the

Government to continue to support the I&T sector had remained unchanged.

HKSTPC's Policy

27. A Member said that the HKSP should be for R&D and innovation, and the industrial estates should be for production. The Government should have a clear policy on incubating new companies. The HKSTPC should advise whether companies moved out of HKSP were due to unsuccessful business or changing requirements for different floor space. The Government should explain its policy more clearly for Members to gauge whether retaining the site for HKSP Phase 4 would really benefit the development of the I&T sector.

28. In response, Mr Wong said that the HKSTPC provided support to a wide range of operations in the I&T business chain, including laboratory use, R&D, prototype, sample production, product design, etc. The companies in HKSP were engaged in applied R&D and companies in Innocentre were mainly engaged in design. There were examples of success and failure cases in the incubation programme and there was a natural turnover of companies therein. For companies moving into HKSP, they were required to satisfy an admission requirement that at least 50% of the company's business had to be involved in R&D.

29. In response to a Member's question, the Chairman said that the policy bureau overseeing the development of the I&T sector and HKSP was ITC of CEDB. The Member continued to asked whether the HKSP was providing space for the right kind of operators in the I&T sector; why companies should be allowed to use some 50% of floor space in HKSP for office use; what the proportion of small or medium-sized enterprises in HKSP was and whether these companies were making a real contribution to Hong Kong's economy; and what the proportion of subsidiaries of large/multi-national corporations was in HKSP that should have sufficient resources to be established outside HKSP. The Member opined that with a slight change in HKSTPC's policy, it could greatly affect the take-up rate of floor space within HKSP.

30. Mr Wong said that the policy of HKSP was that over 50% of the companies' business had to be engaged in R&D. This requirement was applicable to all tenants

irrespective of their size. Approximately 30% of the companies in HKSP were large companies and about 30% of the companies were multi-national firms. For the healthy development of the Science Park, it had to include small, medium and large sized companies to contribute to the synergy and clustering effects. Establishment of large companies in HKSP, such as TCL Mobile Communications Hong Kong Limited and Philips Electronic Hong Kong Limited, would help to attract small and medium sized firms to HKSP. Overseas science parks also adopted similar development models. To make better use of its limited resources, the HKSP had focused the operations on five core sectors of technology.

31. The Member further asked whether there was data/research to demonstrate the actual contribution of HKSP to Hong Kong's economic development. Mr Wong said that it had to be recognised that contribution of businesses in the I&T sector to the economy might not be immediately evident in the short term. While there was no such data readily available, he said that there were successful cases of incubated companies in HKSP that had become sizable multi-national companies.

32. A Member said that given land resources in Hong Kong was scarce as compared to cities in Mainland or overseas, it was necessary to ask whether the land allocated to HKSP had been fully utilised. Mr Wong agreed that there was always strong demand for land for different types of uses in Hong Kong, and said that that was why HKSTPC had been undertaking the review to consider how to better utilise land in HKSP as mentioned earlier. He said that the HKSP was developed following the recommendations of the Tien Chang Lin report (the Commission on I&T Report) which indicated that Hong Kong had to diversify its economic sectors including development of the I&T sector. The Government had all along been working in this direction.

Other Matters

33. A Member said that there were developments in nearby cities, for example the Qianhai development in Shenzhen, which might have implications for the demand for floor space for I&T sector in Hong Kong. In this regard, the Member invited Mr Witman Hung (C59) (Chairman of the Internet Professional Association) who was also involved in the Qianhai development to share his views. Mr Hung made the following main points:

- (a) there was some co-operation between Qianhai and HKSP, for example, they would offer assistance to companies in HKSP which might wish to establish in Qianhai. There was also incubation programme at Qianhai;
- (b) he did not agree with a Member's view that HKSP should be a large incubator. There were benefits to have large companies, such as TCL Mobile Communications Hong Kong Limited, to establish in HKSP. As an example, Tencent Inc. (騰訊公司) was one of the first companies to establish its headquarters in Qianhai and it had attracted many companies within the business chain of Tencent Inc. to move to Qianhai;
- (c) the Government did not have a long term mission and the CEDB was not playing a positive role to support and promote the development of the I&T sector in Hong Kong. The ITC was not in a position to forecast the take-up rate for floor space in HKSP as they were not in the business and was only providing support to the industry. ITC's forecast on take-up rate of Phase 3 was only based on past data; however, if there was more support after establishment of the Innovation and Technology Bureau, the development of the I&T sector and demand for floor space could well change;
- (d) it was not a right direction for HKSP to only focus on five core sectors of technology as the I&T sector was subject to rapid changes. The policy of only allowing companies with minimum 50% of R&D content to establish in HKSP should also be reviewed;
- (e) the rent in HKSP was not cheap, but companies like to establish there because of the nice environment and the benefits arising from the clustering effect. Hence, clustering was very important and should be given due consideration;
- (f) the development programme of I&T facilities in the NDAs and Lok Ma Chau Loop were still subject to much uncertainties; and

- (g) the Board only rezoned this site for science park use in 2013, it was doubtful what had been changed within a year to warrant the rezoning of the site to residential use at this juncture. Once the site was used for building luxury housing, it would be irreversible.

[Ms Christina M. Lee and Professor S.C. Wong arrived to join the meeting during the questioning session.]

[The meeting took a five-minute break.]

Deliberation

34. The Chairman asked Members to consider the representations taking into account the written representations, the oral submissions by representers/commenters and their representatives, and information provided by government representatives and representatives of HKSTPC at the meetings on 5.9.2014 and at the current resumed meeting. The Chairman said that the allocation of a piece of land for a specific use had to be supported by the relevant policy bureau. ITC had clearly indicated that there was currently no plan for development of HKSP Phase 4. If the site was to be rezoned for science park use, it would likely be left vacant for a long time. Given the acute demand for land in Hong Kong, Members were asked to consider whether it was reasonable for HKSTPC to be requested to first explore ways to better utilise the existing 22 ha of land at HKSP.

35. A Member said that clustering of science park operations at Pak Shek Kok had its benefits and HKSP had complemented the research in the Chinese University of Hong Kong (CUHK) to create synergy effect. In future, different locations in the territory might be selected for developing I&T facilities so that they could create clustering effects with different tertiary institutions. Given that ITC had advised that the demand for floor space for the I&T sector could be satisfied up to 2018/2019 and that there was a very urgent need for housing, consideration might be given to release the site for housing use.

36. A Member said that the Board might consider deferring a decision on whether to rezone the site for residential use. There were many other sites in Hong Kong that could be used for residential development to satisfy the housing need. However, if the site that was directly adjoining the HKSP was rezoned for residential use, it would definitely stifle the expansion of HKSP. Establishment of the Innovation and Technology Bureau would be discussed in the new Legislative Council session, and hence a decision on the zoning of the site could be deferred for say, half or one year by which time there would be more information on the take-up rate of Phase 3 and the new bureau might be established and would have a clearer stance on whether the site was needed for future expansion of HKSP. In the science parks in Shenzhen, companies might take up the whole building. If such development mode was adopted in future in Hong Kong, there would be insufficient land even with the Phase 4 site. It depended on what kind of I&T development was envisaged for Hong Kong, should it remain as lower-end small and medium sized enterprises operations or should there be engagement of large global companies. There appeared to be no urgency to rezone the site for residential use and it was proposed that a decision on the rezoning of the site be deferred.

37. The Chairman said that it was unknown whether an Innovation and Technology Bureau would be established. At present, the CEDB was the relevant policy bureau which advice would be a material consideration for the Board.

38. A Member said that inadequate housing had historically been an issue in Hong Kong and people in Hong Kong were used to living in a dense environment. If the purpose was to allow for a more spacious living environment, it might involve consideration of allowing a certain level of developments in Country Parks or areas zoned "Green Belt" or "Agriculture". The Member queried if the demand for housing was really so urgent as should override the option of reserving the site for the future expansion of the HKSP. Hong Kong needed to diversify its economic sectors and development of the I&T sector would provide such opportunities. The HKSP was already very small in terms of land area by overseas standard and it was inappropriate to take away land that was previously reserved for its Phase 4 development only because the policy bureau considered that there was no forecast need for the site at this juncture. Rezoning the site for residential use only satisfied a short term purpose but retaining it for science park use would be for the long term benefit of Hong Kong's economic development. To avoid

leaving the site idle, using the site for temporary use such as car park or recreational uses might be a solution. A proposal for reclamation to facilitate HKSP's future expansion could also be supported but the site that was readily available should also be reserved for science park use. The decision to rezone the site for residential use would be irreversible.

39. The Chairman said that the issue at stake was not about providing more spacious living environment, it was about providing both public and private housing to satisfy the imminent housing demand in Hong Kong.

40. In response to a Member's earlier view that there was a need to facilitate different clusters with the tertiary institutions, Mr Ling said that a technology and knowledge corridor concept was being strategically planned along the East Rail Line. It would link up the Hong Kong Polytechnic University in Hung Hom, the two universities and InnoCentre in Kowloon Tong, the CUHK and HKSP in Tai Po, the planned business and technology park in Kwu Tung North (KTN) NDA, and areas reserved for R&D uses in Lok Ma Chau Loop. This technology and knowledge corridor would conceptually link up with HKU in view of the future rail link. Specifically regarding the Hong Kong University of Science and Technology, it was relatively closer to the Tseung Kwan O Industrial Estate as well as the data centres in that area. In any case, Hong Kong was a compact city and interaction was not only reliant on physical proximity.

41. Mr Ling continued to say that ITC had advised at the meeting that the priority of HKSTPC was to better utilise the existing 22 ha of land in HKSP Phases 1 to 3. The additional 120,000 sq.m. of GFA proposed was slightly more than the floor space that was currently provided in Phase 3 (i.e. some 100,000 sq.m of GFA). The HKSTPC also managed three industrial estates and there were vacant sites therein that could accommodate production with R&D elements. Hence, given that the HKSTPC had not allocated any priority to development of Phase 4, Members should consider whether the site could be released for alternative uses. In the long term, land had been reserved for R&D and technology development in KTN and Hung Shui Kiu NDAs as well as the Lok Ma Chau Loop, these newly planned areas would allow for a more balanced distribution of such facilities in Hong Kong.

42. A Member said that based on the responses of the representatives of ITC and HKSTPC, it appeared that the proposals to provide the additional 120,000 sq.m. GFA in Phases 1 to 3 were not well thought out and there were doubts on whether those proposals were realistic. Mr Ling said that PlanD had been involved in the HKSTPC Review, and the proposals presented at the meeting were being considered although the technical details might need to be further studied.

43. A Member said that information technology was not a land intensive operation as much of the operations were web-based. Given that only 30% of the completed development in Phase 3 was being pre-leased and there were proposals to provide additional floor space within Phases 1 to 3, it might be necessary to view the zoning of the site from a more macro perspective.

44. Another Member said that it was a hard choice weighing the need to provide more housing land and reserving land for science park use. It was noted that HKSTPC had confirmed that they had no plans for development of Phase 4. The site might not be most suitable for residential use; however, given that there was very urgent demand for housing land and developing housing on the site might not have major adverse impacts on many adjacent users, residential use on the site could be acceptable.

45. The Chairman said that the site was one of the larger housing sites in the pipeline that could provide an estimated 3,000 private housing units.

46. A Member said that while clustering of science park operations at HKSP would have benefits, there were no strong justifications as to whether the clustering effect was so overriding in a sense that development of R&D and I&T uses in other parts of Hong Kong was not acceptable. As such, the rezoning of the site for residential use could be supported. The Chairman said that even if the site was to be reserved for HKSP Phase 4, it would become fully occupied one day and there would still be a need to consider alternative sites in the longer term. In this regard, the government representatives had explained that areas for R&D and I&T uses had been reserved in the NDAs. Furthermore, given advancement of telecommunications, interactions might no longer be as reliant on physical proximity as in the past.

47. A Member said that clustering was important for future development of the HKSP. Information technology, that might be more web-based, was only one kind of lower-end technology operations in HKSP. There were many other operations that needed physical space, e.g. those related to environmental protection, energy, precision machinery, bio-technology and laboratory testing. Clustering would allow facilities for development of higher-end technology, and there needed to be sufficient land reserve in order to attract multi-national corporations to establish in Hong Kong.

48. In response to a Member's question, the Secretary said that about 11.7 ha of land was reserved in KTN NDA for business and technology park uses. The Member continued to say that the HKSP Phases 1 to 4 was planned for a specific use as a science park, and it was difficult to understand why the site reserved for Phase 4 had to be rezoned for residential use. The Government might consider rezoning the area reserved for business and technology park in KTN for residential use and then keeping the site at Pak Shek Kok for science park use. The Chairman said that the ITC had advised at the meeting that their plans only included development of HKSP Phases 1 to 3. The site was only a land reserve for HKSP Phase 4 and there was currently no programme for its development. Land in KTN would likely only be available beyond a 10-year time frame, while the Pak Shek Kok site was readily available and could be put up for sale. Mr Ling said that the areas reserved for business and technology park uses in KTN were close to highways and would be subject to traffic noise and air quality impacts and were not suitable for residential use.

49. A Member said that Hong Kong was a very compact city and different clusters of uses were normally within reasonable travelling distance. Given Hong Kong's unique situation, clustering might not need to be totally reliant on physical proximity. Given that the ITC and HKSTPC had confirmed that the site would not be needed for its development in the near future and there was land reserved in other places to satisfy demand for I&T floor space in the longer term, it was acceptable to rezone the site for residential use. If there was a need for the HKSP to expand at Pak Shek Kok in the very long term, reclamation could be considered. In this regard, the Chairman recapped that according to DPO's presentation, reclamation off Pak Shek Kok was being studied. Mr Ling supplemented that an on-going study would review the feasibility of reclamation off Ma Liu Shui together with redevelopment of the site occupied by the Sha Tin Sewage

Treatment Works that would be released after its planned relocation into the rock cavern.

50. A Member said that the Government did not have clear policy or strategy for the long term development of Hong Kong. It was doubtful whether the model for development of industrial estates was good. Similarly, there was no evidence to demonstrate the actual contribution of the HKSP to Hong Kong's economy. It was unclear whether the five core sectors of business operations would have any interaction nor whether the HKSP environment had facilitated the free sharing of information as per in other places, like Silicon Valley. The Government had to device a long term plan for the development of Hong Kong and to provide sufficient employment opportunities for the future generation. Means to enhance co-operation with the Mainland should also be considered. At such, the claims about the need for future development of HKSP were quite elusive and it was not evident that giving the site to HKSP would help in the future development of Hong Kong. If the Government considered that the site was not needed for HKSP, Members had to respect that position.

51. A Member said that there was much support for development of the I&T sector in Hong Kong. However, given the HKSP was not developing at a very fast pace and there was a more urgent need for housing, the Member supported rezoning the site for residential use.

52. Another Member said that clustering effect was important; however, it might be considered whether the benefits of clustering could be substituted by other means such as development of the knowledge and technology corridor as mentioned earlier by Mr Ling or whether there could be reclamation in future. The Member said that it was possible to defer a decision as suggested by another Member but there needed to be a clearer indication of the timing of such deferral and what purposes could be achieved with the deferral. However, if the proposed Innovation and Technology Bureau that might be established later would not likely change the policy stance that the site was not needed for HKSP Phase 4, then rezoning the site for residential use could be acceptable.

53. Mr Ling said that HKSTPC had indicated that their priorities were for the more cost effective approach of better utilising land in HKSP Phases 1 to 3 and the industrial estates instead of spending huge amount in developing infrastructure on the site. Hence,

even if the site was reserved for HKSP Phase 4, it would likely be left vacant for a considerable long period of time. He continued to say that areas for higher-end land uses such as R&D and I&T were reserved in the NDAs and Lok Ma Chau Loop. It was necessary to have such land reserve to cater for possible future demand, and such developments would enhance the overall growth of the NDAs. Providing land reserves in the different NDAs and Lok Ma Chau Loop would allow for a more balanced spatial distribution for such R&D and technology developments and thus more jobs in the northern part of New Territories. This was similar to the concept of planning for Central Business District 2 in Kowloon East as a planning response to limited land for office use in Central.

54. Another Member said that there was a very urgent need for housing and given the site was suitable for residential use, the zoning of the site was supported. The clustering effect could to some extent be compensated by enhancing better communications and transportation links in the new areas. It would be beneficial to reserve land for employment purposes in the NDAs, and this would reduce the demand on transport services during peak hours.

55. A Member said that the representatives of ITC seemed to have given an impression that they were mainly concerned about finding tenants to fill up the floor space in HKSP rather than promotion of the policy for I&T development. When the HKSP was first planned, the concept was to allow for synergy and clustering effect, it was difficult to understand why there was no longer the need to foster the clustering effect now. It appeared that the proposals for the additional 120,000 sq.m. GFA put forward by HKSTPC had not been thoroughly studied. The five buildings in Phase 3 that were completed/under construction could only provide around 100,000 sq.m. of floor space, the claim that 70,000 sq.m. of GFA could be provided on the vacant/PTI site at the corner of Phase 3 was not realistic. Though reluctant, the Member said that the rezoning of the site for residential use was supported when weighing the possibility of the site providing 3,000 odd flats against being left vacant for an unknown long period. In response to the Member's question, the Secretary said that the 8 ha site was subject to a plot ratio of 3.6 and it was estimated that 3,380 flats at an assumed average flat size of about 85m² could be provided on the site.

56. A Member said that the policy to increase housing land supply had led to some recent rezoning proposals that might not be supported on sound grounds. For the current case, ITC agreed to release the land for residential use based on its claim that the site was not needed for HKSP's expansion in the near future. It would then mean that if the site was rezoned for science park use, it would be left vacant probably for a long period of time. In such circumstances, there appeared no choice but to accept the rezoning for residential use. However, zoning the site for the provision of luxury housing would surely be met with strong criticism from the public. In fact, the Cyberport and HKSP were two of the few signature developments in Hong Kong and there should be no doubt that they had contributed to nurture the growth of the I&T sector. The Board had agreed to rezone many pieces of housing land in the past few years but there was no significant reduction in property prices. Increasing land supply alone would not bring down property prices. Furthermore, the actual lead time for development of those additional GFA within Phases 1 to 3 should be much longer than that claimed by HKSTPC.

57. The Chairman said that it was understood that idealistically the ambience of HKSP should be maintained as far as possible. However, there was an urgent need for more housing land and it was inevitable that land had to be fully optimised. In addition, the Government had also implemented tax and financial measures to try to suppress the rise of property prices.

58. A Member said that if the Board was to agree to the rezoning of the site for residential use, the Government should carefully consider whether it should be used to provide only 3,000 odd flats as currently planned. Although it might not be within the Board's purview, the Government's priority should be to help satisfy the housing needs for the middle class or lower income people. Another Member asked whether the Government should review whether the site would be for private or public housing use before the Board made a decision. The Secretary said that the site was intended for private residential use. The Chairman said that public housing would normally be located on sites that were easily accessible by mass transit or bus routes. The site was not a suitable location for public housing.

59. As different views had been expressed by Members, the meeting agreed to decide on the adverse representations by a vote. The voting result was 5 Members

opposed rezoning the site for residential use and 17 Members supported.

60. After further deliberation, Members noted all the grounds and proposals of representations and comments as summarised in paragraphs 2.3 to 2.5 of the Paper and the responses in paragraphs 5.2 to 5.4 of the Paper. Members decided to note the supportive views of R1 and R321's concern on noise impact of East Rail and that R458 had no comment on the amendment to the OZP. Members decided that all the other representations should not be upheld and the plan should not be amended to meet the representations. Members then went through the suggested reasons for not upholding the other representations No. R2 to R320 and R322 to R457 as detailed in paragraph 7.2 of the Paper and considered that they were appropriate. Members noted that the summary of rejection reasons relevant to each individual representation was in Annex II of the Paper. The reasons were detailed in the below paragraphs.

R1

61. After deliberation, the Board decided to note the supportive view of R1.

R2 to R320 and R322 to R457

62. After deliberation, the Board decided not to uphold R2 to R320 and R322 to R457 and considered that the Plan should not be amended for the following reasons:

- “
- (a) land suitable for development in Hong Kong is scarce and there is a pressing need for increasing housing supply. As the subject site is suitable for medium-density housing development and is not required for science and technology development, it is considered appropriate to rezone the site for residential use to meet the housing needs of the community. The current rezoning proposal has taken into account all the relevant planning considerations;
 - (b) the proposed rezoning to residential use with appropriate development restrictions will not result in any adverse impacts on air ventilation,

visual, environmental, traffic, drainage and sewerage aspects to the surrounding areas;

- (c) the proposed residential development with development restrictions of a maximum plot ratio of 3.6 and a maximum building height of 65mPD under the “Residential (Group B) 6” (“R(B)6”) zone is considered appropriate to ensure that the future development at this site will be compatible with the surrounding areas;
- (d) there is no need for reservation of site in Pak Shek Kok for development of a multi-storey car parking, public transport interchange or railways station;
- (e) there is no need for additional open space and Government, institution and community (GIC) facilities at the subject site as advised by relevant departments. Besides, the provision of open space, GIC and other supporting facilities in Pak Shek Kok and Tai Po district are generally adequate to meet the needs of the population;
- (f) sites have been reserved in the Kwu Tung North new development area (NDA), Lok Ma Chau Loop and Hung Shui Kiu NDA for science and technology and research and development (R&D) uses. The rezoning of the site for residential development will not affect the long term development of R&D sector and technological development in Hong Kong; and
- (g) the statutory and administrative procedures in consulting the public on the proposed zoning amendments have been duly followed. The exhibition of outline zoning plan for public inspection and the provisions for submission of representations/comments form part of the statutory consultation process under the Town Planning Ordinance”

R321

63. After deliberation, the Board noted R321's concern on noise impact of the East Rail on the future residential development. The Board agreed to advise R321 that as there was a buffer distance of about 100m, the East Rail was not expected to cause adverse noise impact on the future residential development.

R458

64. After deliberation, the Board noted that R458 had no comment on the amendment to the OZP.

[Dr W.K. Yau arrived to join the meeting, Mr Stanley Y.F. Wong and Mr Eric K.S. Hui returned to join the meeting, Professor C.P. Lau left the meeting temporarily, and Professor C.M. Hui and Dr Wilton W.T. Fok left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 4

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in respect of the Draft Kam Tin North Outline Zoning Plan No. S/YL-KTN/8
(TPB Paper No. 9749 and 9750)

[The meeting was conducted in Cantonese]

65. The following Members had declared interest that were direct on the item for having business dealings with MTR Corporation Limited (MTRCL) (R2); Henderson Land Development Co. Ltd. (Henderson) which was the mother company of the Hong Kong and China Gas Company Limited (HKCGC) (R3); Sun Hung Kai Properties Limited (Sun Hung Kai) which was the mother company of Bright Strong Limited (R4/C35) and Ease Gold Development Limited (R5); and Cheung Kong Holdings Limited (Cheung Kong) which was the mother company of Delight World Limited (C34):

- Mr Dominic K.K. Lam } having business dealings with MTRCL,
Mr Janice W.M. Lai } Henderson and Sun Hung Kai
- Mr Ivan C.S. Fu] having business dealings with MTRCL,
Mr Patrick H.T. Lau] Henderson, Sun Hung Kai and Cheung
Kong
- Ms Julia M.K. Lau - having business dealings with Sun Hung
Kai
- Professor P.P. Ho - having business dealings with Cheung
Kong
- Dr Eugene K.K. Chan - his spouse being an employee of a
subsidiary company in the Henderson
Land Group and being convenor of the
Hong Kong Metropolitan Sports Event
Association that had solicited sponsorship
from Henderson and Sun Hung Kai
- Mr Francis T.K. Ip - having a close relative who was on the
Board of Cheung Kong
- Miss Winnie M.W. Wong - being an alternate Member of the Board of
(as *Principal Assistant* the MTRCL
Secretary for Transport and
Housing)

66. The following Members had declared remote or indirect interests on the item:

- Professor S.C. Wong - being an employee of the HKU that had
received donation from a family member
of the Chairman of Henderson

Dr W.K. Yau]	each being director of non-government
Mr. Clarence W.C. Leung]	organisation that had received a private donation from a family member of the Chairman of Henderson
Mr Roger K.H. Luk	}	being a Member of Council (Mr Luk) or
Professor P.P. Ho	}	employees (Professor Ho and Professor
Professor K.C. Chau	}	Chau) of the Chinese University of Hong Kong (CUHK) that had received donation from a family member of the Chairman of Henderson
Dr Wilton W.T. Fok]	being employees of HKU that had
Mr H.F. Leung]	received donation from a family member of the Chairman of Henderson
Ms Christina M. Lee	-	being a committee member of the Hong Kong Metropolitan Sports Event Association that had solicited sponsorship from Henderson and Sun Hung Kai

67. Members agreed that the Members who had declared direct interests above should be invited to leave the meeting temporarily. Those who had declared remote or indirect interests should be allowed to stay in the meeting and participate in the discussion. Members noted that Mr Dominic K.K. Lam, Mr Clarence W.C. Leung and Mr Roger K.H. Luk had tendered apologies for not being able to attend

[Professor C.P. Lau left the meeting temporarily and Dr Eugene K.K. Chan, Mr Francis T.K. Ip, Ms Janice W.M. Lai, Mr Patrick H.T. Lau, Miss Winnie M.W. Wong, Ms Julia M.K. Lau, Professor C.M. Hui, Professor P.P. Ho, Mr Ivan C.S. Fu and Dr Wilton Fok left the meeting at this point.]

68. The Chairman said that the presentation and question sessions for the representations would be made under two groups.

Group 1

(Representations No. R1, R2 (Part), R3, R5, R14, R15 and Comments No. C33 to 35)

Presentation and Question Session

69. The Chairman said that reasonable notice had been given to all the representers and commenters inviting them to the hearing. Members agreed to proceed with the hearing of the representations and comments in the absence of those representers and commenters who had either indicated not to attend the meeting or made no reply to the invitation to the hearing.

70. The following government representatives and the representers/commenters and their representatives were invited to the meeting at this point:

- | | | |
|----------------|---|--|
| Ms Maggie Chin | - | District Planning Officer/Fanling, Sheung Shui and Yuen Long East, Planning Department (DPO/FS&YLE, PlanD) |
| Mr C.K. Tsang | - | Senior Town Planner/YLE, PlanD |
| Mr K.W. Cheung | - | Senior Nature Conservation Officer (North), Agriculture, Fisheries and Conservation Department (AFCD) |
| Ms Y.N. Chan | - | Nature Conservation Officer (Kam Tin), AFCD |

R3 – The Hong Kong and China Gas Company Limited

- | | | |
|-----------------|---|------------------------------|
| Mr Mak Kwan Hon | - | Representer's representative |
|-----------------|---|------------------------------|

R5 / C35 – East Gold Development Ltd.

Mr Dickson Hui]	
Ms Winnie Wu]	Representer’s representatives
Miss Michelle Chan]	
Mr Arnold Koon]	

C34 – Delight World Limited

Mr Calvin Chiu]	Commenter’s Representatives
Ms Selene Chiu]	

71. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Ms Maggie M.Y. Chin (DPO/FS&YLE) to brief Members on the background of the representations.

72. With the aid of a Powerpoint presentation, Ms Chin made the following main points as detailed in the Paper:

Amendments to the OZP

(a) on 9.5.2014, the draft Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/8 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The major amendments involved:

(i) rezoning the “Undetermined” (“U”) zone on both sides of Kam Tin River to specific zonings, including “Residential (Group B)” (“R(B)”) (Item A1), “R(B)1” (Item A2), “Residential (Group E)” (“R(E)”) (Item A5), “Residential (Group D)” (“R(D)”) (Item A7), “Comprehensive Development Area (1)” (“CDA(1)”) (Item B1), “Agriculture” (“AGR”) (Item B2) and “Conservation Area” (“CA”) zones (Item B4) to guide future development;

(ii) rezoning the “Other Specified Uses” annotated “Comprehensive

Development and Wetland Enhancement Area” (“OU(CDWEA)”) zone to the west of Kam Tin Shi to “R(E)1” (Item C1) and “CA” (Item C2) to facilitate development and enhance conservation; and

- (iii) imposing building height restriction on the “Government, Institution or Community” (“G/IC”) and other zones (Items D and E) on the OZP.
- (b) during the two-month exhibition period, a total of 15 valid representations were received. On 25.7.2014, the representations were published for three weeks for public comments and a total of 35 valid comments were received;
- (c) the Group 1 hearing was for consideration of six representations (i.e. R1, R2 (Part), R3, R5, R14 and R15). The representations were submitted by an individual (R1), the MTRCL (R2(Part)), HKCGC (R3), Ease Gold Development Limited (R5), World Wide Fund for Nature Hong Kong (R14) and Hong Kong Bird Watching Society (R15). R1 supported Amendment Items A, B and D and made comments and proposals in respect of the “Village Type Development” (“V”) zone; R15 objected to all the amendment items in the OZP; and R2(Part), R3, R5 and R14 objected to/raised comments on Amendment Items A1, A2, A7, B2 or C1. Three comments (C33 to C35) that were related to R2 (Part), R14 and R15 would be considered under Group 1;

Grounds and Proposals of Representations and Responses

- (d) the main grounds of the representations were highlighted in paragraph 2.3.3 of the Paper. Concerned government bureaux/departments had been consulted on the representations and comments and their latest assessments were set out in the responses highlighted in paragraph 5.2 of the Paper. They were summarised below:

Review of Land Use Zoning

- (i) R1 had no objection to the amendments on the OZP but put forth proposals on the land use zonings on the OZP. R1 proposed to enlarge the “V” zone boundary as there had been significant increase in the population of indigenous villagers; and Lots 25 to 72 in D.D. 109 was proposed to be rezoned to “V” or other residential zone as the lots were surrounded by residential developments and the concerned lots were not suitable for agriculture use;
- (ii) the responses to the above grounds were:
- there were eight “V” zones covering an area of about 80.17 ha on the Kam Tin North OZP. There was about 33.4 ha of land to meet the current outstanding Small House demand and those in the coming years. There was currently no need to review the “V” zones;
 - Lots 25 to 72 in D.D. 109 were not related to the amendment items on the OZP. The lots fell within the “AGR” zone and adjoined a large stretch of agricultural land. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the “AGR” zone should be retained as agricultural activities were found in the area and the area had good potential for agricultural rehabilitation. The lots fell outside the village ‘environs’;

Preservation of Wetland of High Ecological Value

- (iii) the direct and indirect cumulative ecological impacts of the proposed amendments in Kam Tin North OZP and the “Land Use Reviews of Kam Tin South and Pat Heung” (LUR) should be properly assessed;

- (iv) a comprehensive breeding bird survey should be undertaken to identify the remaining breeding grounds of birds. Appropriate conservation zonings should be designated to safeguard this species;
- (v) the responses to the above grounds were:
- the sites under the amendment items were mostly paved or developed areas and were unlikely to be breeding ground of Greater Painted-snipe (GPS). The Kam Tin River would remain unchanged as an open and wide area for bird with a riverside promenade. According to DAFC, the amendments would not hinder the major birds' flight lines. There would not be any direct loss of important bird foraging or breeding habitats;
 - for the Kam Tin North area, Sites B4 and B2 had been rezoned to "Conservation Area" ("CA"). These sites together with the compensated wetland zoned "CA(1)" (managed by the MTRCL) and the existing wetland habitats such as meander, watercourse and marsh to be preserved and enhanced under Sha Po Development would also provide foraging habitats for birds;

Importance of Kam Tin River (R15)

- (vi) Kam Tin River provided foraging opportunities for a number of waterbird species. Zoning of Sites A1, A2 and A9 for residential development would affect the ecological potential of Kam Tin River;

(vii) the responses to the above grounds were:

- the Kam Tin River would remain as an open and untainted channel as roosting and foraging grounds for birds. Sites A1, A2 and A9 were either as-built residential development (Site A1) or paved/formed sites (Sites A2 and A9) and the proposed developments therein would not affect the bank and channel of Kam Tin River;

“Agriculture” zone for Site B2 (R14)

(viii) the concerned fish ponds were of ecological importance. The proposed “AGR” zone (Item B2) would allow Small House developments which would damage the ecological value of the fish ponds and the Deep Bay ecosystem;

(ix) the responses to the above grounds were:

- Site B2 comprised vegetated land, abandoned ponds and some developed areas in the centre. The site was not a nursery or breeding ground for birds according to DAFC. DAFC advised that the site had high potential for agricultural rehabilitation. Developments in the “AGR” zone (including the construction of Small Houses) would be subject to planning approval of the Board;

Adverse impacts on the adjoining wetland for zoning Site C1 as “R(E)1” (R2(Part) and R(15))

(x) the proposed “R(E)1” zone for Site C1 would reduce the area of natural habitats and introduce construction and operation disturbances to the recreated wetland of the West Rail managed by MTRCL (R15). It might also have negative drainage impact or adverse effect on the natural environment or wildlife of the

area;

(xi) the increase in development intensity from plot ratio (PR) 0.4 to 0.8 would create greater ecological fragmentation isolating the MTRCL-managed wetland from other similar habitats and thus restricting fauna colonization (R2(Part));

(xii) the responses to the above grounds were:

- Site C1 was vacant private land overgrown with vegetation and bounded by Kam Tin River in the north, the railway track/viaducts of the West Rail in the west and Kam Tin Bypass in the south. DAFC considered that the site had low ecological/conservation value. Site C1 was suitable for residential developments as it was considered compatible with the surrounding areas predominated by village type developments and major roads. Under the "R(E)1" zoning, residential developments would be subject to planning applications;
- Site C2 was a marsh that previously served as a breeding and roosting site for the GPS. Site C2 was rezoned to "CA" to preserve the marsh without human interference;

Adverse rail/traffic noise impacts regarding Sites A1, A2, A7 and C1 (R2(Part) and R5)

(xiii) the representers raised concerns on possible adverse traffic and rail noise impacts from the West Rail Line (WRL), planned Northern Link (NOL) and Tsing Long Highway for Sites A1, A2, A7 and C1. R2(Part) proposed that the future project proponents of Sites A2, A7 and C2 should conduct a noise impact assessment (NIA) and ensure all noise mitigation measures were implemented at their own cost;

(xiv) the responses to the above grounds were:

- Site A1 was occupied by a completed residential development, The Riva and appropriate noise mitigation measures had been provided;
- Site A2 adjoined The Riva. The Director of Environmental Protection (DEP) had no objection to the residential use on the site subject to provision of appropriate mitigation measures. The future project proponents would be required to carry out NIA;
- developments on Sites A7 and C1, zoned “R(D)” and “R(E)1” respectively, would be subject to planning application with the support of relevant technical assessments;

Gas risk of Sites A2 and A7 (R3)

(xv) HKCGC (R3) objected to the zonings of Site A7 and Site A2 due to risks associated with the existing high pressure gas pipelines;

(xvi) the responses to the above grounds were:

- the Director of Electrical and Mechanical Services (DEMS) had confirmed that there was no insurmountable risk problem of the sites for residential development. The future project proponent would be required to carry out risk assessment;

Reservation of Site A2 for school development (R5)

(xvii) Site A2 was originally offered by the representer for development of two secondary schools which would serve The Riva and the proposed residential development in Sha Po Development. The site was reserved for Government, institution and community

(GIC) use and it was unfair to the representer that the site was now zoned for residential development;

(xviii) there was a present and projected shortfall in primary and secondary school provisions in the area and The Riva and the ongoing Sha Po Development would have further impacts on the school demand. Site A2 was already formed and readily available to meet the demand for school;

(xix) the responses to the above grounds were:

- according to the Hong Kong Planning Standards and Guidelines (HKPSG), 2 primary and 2 secondary schools would be required to serve the planned population of about 33,500 for the Kam Tin North area;
- a primary school had been reserved in the Sha Po Development to meet the short term demand and a primary school would be provided at Site B1. The Education Bureau (EDB) advised that there was adequate secondary school provision in Yuen Long District to meet the demand. There would be on-going monitoring of school demand;
- since Site A2 was not required for school use and there was no need to reserve the site for other GIC uses, Site A2 was zoned “R(B)1” to meet the imminent housing need in view of the residential character of the area;

Provision of an independent access for Site A2 (R5)

(xx) an independent access to Site A2 should be provided as the original proposed access which passed through The Riva would create adverse traffic and environmental impacts on the residents of The Riva;

(xxi) the responses to the above grounds were:

- an existing access in the northern part was serving Site A2 and relevant government departments would consider the provision of independent access and ingress/egress point for Site A2 at the implementation stage;

Proposals from the Representers

(e) the proposals put forward by the representers were highlighted in paragraph 2.4 of the Paper. As the representers' proposals were similar to the major grounds, the responses were similar to those provided for the representations above;

Comments on Representations

(f) the main grounds of comments were in paragraph 2.5 of the Paper and summarised below:

All Amendment Items

(i) supported R15's opposition to all amendments on the OZP and its proposal to withdraw all amendments. The Board should not determine the developments in the area without consensus from the public (C33);

Amendment Item B2

(ii) the "AGR" zone for Site B2 was appropriate as it could better integrate with the large piece of agricultural land to the east and northeast. It had high potential for agricultural rehabilitation and DAFC had also confirmed the "AGR" zoning was suitable. The "CA" zone proposed by the representer was not appropriate as the existing conditions of Site B2 was quite different from the fish pond system in Deep Bay Area which was of ecological

importance (C35);

- (iii) regarding concern on Small House development in “AGR” zone, there was sufficient planning control provided under the “AGR” as planning permission was required for Small House developments (C35);

Amendment Item C1

- (iv) regarding the concern on rail noise impact, residential developments at Site C1 would require planning permission and the potential railway noise impact would be assessed and mitigation measures would be provided as appropriate. Rail noise concern was not insurmountable (C34);
- (v) Site C1 should not be rezoned to “CA and its plot ratio should not be reduced. Sites C1 and C2 were originally part of a much larger piece of land zoned “AGR”. The sites were later rezoned to “OU(CDWEA) zone for development in Site C1 and wetland conservation in Site C2 (C34);
- (vi) there was no record of radio-tracked GPS using Sites C1 and C2 or the adjacent WRL wetland from 2004 to 2009. Site C1 was located in the existing town centre of Kam Tin with good accessibility. It would be a waste of valuable land resources if the site was restricted to a lower plot ratio. The environmental or ecological impact of Site C1 would be addressed at planning application stage (C34); and
- (vii) the proposed requirements on Site C1 as proposed by R2(part) should not be imposed. Site C1 being dry fallow wasteland was of low ecological value. Appropriate mitigation measures would be proposed at planning application stage when the development layout was available (C34);

- (g) the responses to the major grounds of the comments were similar to the responses to the representations above;

Public Consultation

- (h) the Town Planning and Development Committee (TP&DC) of Yuen Long District Council (YLDC) and the Kam Tin Rural Committee (KTRC) were consulted on the amendments to the Kam Tin North OZP on 21.5.2014 and 15.5.2014 respectively. The Pat Heung Rural Committee was consulted by circulation of the paper on the proposed amendments, the major comments and responses were summarised in paragraphs 4.2 and 4.3 of the Paper and summarised below;

- (i) TP&DC and KTRC had the following major comments:

- raised concerns on the increase in population in the area arising from the amendments that might have adverse impacts on living density, traffic and GIC facilities;
- it was appropriate to restrict the development in Kam Tin area to PR of 0.8 to 1. Site A2 adjoining the WRL might be subject to adverse environmental impacts. The amenity area at Site A3 seemed to be provided to serve private development near Ko Po Tsuen;
- requested for an update on the planned NOL; and
- objected to the “CA” zone for Site C2 as the site had no ecological value and was overgrown with weeds with breeding of mosquitoes. They proposed that the concerned “CA” zone should be rezoned to “O”;

- (j) PlanD provided the following responses to the above comments raised by TP&DC and KTRC:

- the PRs of the development sites from 0.4 to 1.2 were proposed taking into account the rural character of the area and other relevant planning considerations. Relevant government departments had confirmed that no insurmountable impact would be anticipated. Sufficient land had also been reserved for GIC facilities;
- future residential developments would be supported by technical assessments to avoid potential impacts on the surroundings. For Site A2, DEP had been consulted and the requirements on setback, environmental assessment and mitigation measures would be imposed;
- the current amendment to the OZP did not involve the planned alignment of NOL. The relevant departments would report the details upon completion of the review on NOL;
- DAFC confirmed that the “CA” site (i.e. Site C2) had ecological value. PlanD would liaise with DAFC and explore improvement on site conditions with the relevant departments;

PlanD's Views

- (k) PlanD's views on the representations were summarised in paragraph 7 of the Paper. They were:
- (i) the supportive view of R1 (part) on Amendment Items A, B and D were noted; and
 - (ii) the representations No. R1(Part), R2(Part), R3, R5, R14 and R15 were not supported and the Plan should not be amended.

[Mr Frankie W.C. Yeung left the meeting at this point.]

73. The Chairman then invited the representers/commenters and their representatives to elaborate on their representations/comments.

R3 – The Hong Kong and China Gas Company Limited

74. Mr Mak Kwan Hon made the following main points:

- (a) with the aid of a plan, Mr Mak pointed out the location of HKCGC's high pressure gas pipelines that were for provision of gas supply to the Yuen Long, Tin Shui Wai and Tuen Mun areas and the location of Au Tau gas pigging station that was in the vicinity of Site A2. He had no other point to supplement relating to Site A2;
- (b) they objected to the boundary of the "R(D)" zone covering Site A7 as the zoning boundary had included HKCGC's high pressure gas pipeline. According to the HKPSG, no building structures should be located within 3m along both sides of a high pressure gas pipeline. They requested the Board to revise the boundary of the subject "R(D)" zone to exclude the gas pipeline so as to avoid potential conflicts with the future development on the site; and
- (c) if the Board did not agree to revise the boundary of the "R(D)" zone, government departments should be required to prepare a risk assessment (on gas) on the future residential development at Site A7. The future developers should also reserve an access to allow HKCGC to undertake regular maintenance of the gas pipeline.

R5 – Ease Gold Development Limited

75. With the aid of a powerpoint presentation, Mr Dickson Hui made the following main points:

- (a) the representations submitted by R4 and R5 were related and he would give a brief overview. They supported the other zonings on the OZP

but did not agree with the “R(B)1” zoning for Site A2 and “CDA(1)” zoning for Site B1;

- (b) Ease Gold Development Limited was the developer of The Riva that adjoined Site A2 in the southeast. Site A2 was previously private land and the developer was required to form the site for provision of two schools to meet the demand for schools in the area;
- (c) Site A2 was formed and readily available for school development. However, the Government now rezoned it to “R(B)1” for residential use and shifted the requirement for provision of a school to the “CDA(1)” zone at Site B1;
- (d) the “CDA(1)” zone had an area of about 17 ha and was under more than 30 fragmented land titles. The possibility of reaching consensus on a master layout plan (MLP) was near impossible and hence the provision of a school there was remote. According to DPO’s presentation, there was need for two primary and two secondary schools to meet the demand from the future population of some 27,000 in the area. Only one new school would be provided in the Sha Po Development. Site A2 was readily available for the timely provision of two schools. As such, they proposed to revert the zoning of Site A2 to “G/IC” and to rezone Site B1 from “CDA(1)” to “R(E)” and to delete the requirement for provision of a school in Site B1;
- (e) the Board had been reviewing sites zoned “CDA” on a regular basis and there were “CDA” sites that had been zoned for 18 to 20 years without any development. One example was the “CDA” at Yau Tong which had an area of 5 ha and was only under 7 land titles. There were four other “CDAs” in Ha Tsuen, each with more than 10 ha in area, that had been zoned for 20 years without any development. If the “CDA” zone was to be retained for Site B1, it was likely that there would not be any development when the Board reviewed it in three years’ time. Hence, it was considered appropriate to rezone it now. Under the “R(E)” zone,

developments would still be subject to planning permission from the Board but it would not be necessary for more than 30 parties to agree on a MLP; and

- (f) a good example was The Riva that was properly planned, even though it was not under a “CDA” zoning. The site was zoned “U” under which any development would require planning permission from the Board. The site was only rezoned “CDA” after a planning scheme was approved by the Board.

76. With the aid of a powerpoint presentation, Ms Winnie Wu continued to make the following main points:

- (a) in the approved MLP for The Riva development, Site A2 was designated as “formed site for proposed GIC uses”. They proposed to rezone Site A2 to “G/IC” to reflect the use on the approved MLP and to provide land for school developments to satisfy the demand of the population in the area;
- (b) there were currently 12 primary school classrooms in two sub-standard village schools in the area. Kam Tin North area had an existing population of 9,000 odd persons without a standard school. When The Riva became occupied, the population would increase to 10,000. When the Sha Po Development became occupied in two to three years’ time, the population would increase to 20,000 and there would be requirement for 1.5 primary schools and 2 secondary schools according to HKSPG. Taking into account the other residential sites on the Kam Tin North OZP, the population would increase to more than 30,000 and there would be requirement for 2 primary schools and 2 secondary schools according to HKSPG;
- (c) the Sha Po Development was currently under construction and it was likely that the school proposed therein would only be available around 2020. It was not a good planning that the school in the Sha Po

Development could not tie in with increase in population. On the contrary, Site A2 was a readily available site and should be rezoned to facilitate timely provision of the schools to meet the forecasted demand;

- (d) as for the school proposed in the “CDA(1)” zone, for reasons explained earlier, its development programme could not be foreseen and it should not be relied upon to satisfy the school demand for the planned population of more than 30,000 in the area;
- (e) Site A2 would be traversed by the WRL and abutted major highways, and was not suitable for residential use. However, a low-rise school development on Site A2 might be lower than the West Rail viaduct and would be a non-sensitive use that could serve as a buffer from rail noise; and
- (f) an independent access should be provided for Site A2, regardless of its ultimate use, so as to minimise impact on the surrounding users.

C34 – Delight World Limited

77. Mr Calvin Chiu said that DPO had already presented the main points of their comment No. C34 and he had nothing to add.

C35 – Bright Strong Limited

78. With the aid of a powerpoint presentation, Ms Winnie Wu made the following main points:

Response to R2 submitted by MTRCL

- (a) R2 proposed that developments in the area should be required to prepare Noise Impact Assessments to address rail noise impact of the NOL and to incorporate noise mitigation measures on the development sites at the cost of the developers. However, if future developers were required to

prepare NIAs separately, it could not assess the overall rail noise impacts of the NOL;

- (b) the NOL was only a railway under planning and yet to be gazetted, there were no details about the design, form and alignment and train operations. It would not be possible for the future developers to prepare NIAs;
- (c) the sites zoned for residential use, estimated to have some 5,000 housing units and more than 10,000 population, had already been gazetted under an OZP. It should be the responsibility of the rail operator to prepare relevant assessment taking into account the intended uses on the OZP. In any event, the rail operator would need to prepare an environmental impact assessment to cover railway noise and ecological impacts. In addition, the most effective mitigation measures for rail noise would be provided at source; and

Response to R14 submitted by World Wide Fund for Nature Hong Kong

- (d) R14 proposed that Site B2 should be rezoned from “AGR” to “CA”. They fully agreed with the responses of PlanD that the “AGR” zoning should be retained for Site B2. Under the “AGR” zoning, only ‘on farm domestic structure’ was under Column 1 use and ‘house (New Territories Exempted Houses only)’ was a Column 2 use. That should provide sufficient planning control.

79. As the presentations for the representers and commenters had been completed, the Chairman invited questions from Members.

80. The Chairman asked DPO to clarify about the programme for school developments in the area. Ms Maggie Chin (DPO/FS& YLE) said that there were 12 existing primary school classrooms in two village schools to serve the existing population. PlanD would liaise with EDB to monitor any need for improvements to the existing schools. There was demand for one primary school in the short term. In this regard, the

school site at Sha Po was being formed and EDB agreed that in terms of location and timing, provision of a primary school at Sha Po instead of Site A2 would be acceptable. Moreover, some more GIC facilities, such as library and youth centre might be provided in the area and it was considered appropriate to locate the primary school in Sha Po as these uses would create synergy. As EDB and other government departments had indicated that Site A2 was not needed for school or other GIC developments, it was considered suitable to rezone it for residential use to meet the imminent housing need. As regards secondary school, EDB advised that its provision was adequate in Yuen Long District to meet the demand.

81. Members had no further question to raise. The Chairman proposed and Members agreed that as some of the representatives of the representers/commenter in Group 1 would also attend the Group 2 hearing, the meeting would proceed with the presentation and question session for Group 2 first before the Board deliberated on the representations.

[The representatives of R3 and C34 left the meeting at this point.]

Agenda Item 3 (Continued)

(Open Meeting (Presentation and Question Session only)

Consideration of Representations and Comments in respect of the Draft Kam Tin North Outline Zoning Plan No. S/YL-KTN/8

(TPB Paper No. 9750)

[The meeting was conducted in Cantonese]

Group 2 Hearing

(Representations No. R2(Part), 4, 6 to 13 and Comments No. C1 to C33 and C35)

82. The following Members had declared interest that were direct on the item for having business dealings with MTR Corporation Limited (MTRCL) (R2); and Sun Hung Kai Properties Limited (Sun Hung Kai) which was the mother company of Bright Strong Limited (R4/C35):

Mr Dominic K.K. Lam } having business dealings with MTRCL
Mr Janice W.M. Lai } and Sun Hung Kai

Mr Ivan C.S. Fu] having business dealings with MTRCL
Mr Patrick H.T. Lau] and Sun Hung Kai

Ms Julia M.K. Lau - having business dealings with Sun Hung
Kai

Miss Winnie M.W. Wong - being an alternate Member of the Board of
(as Principal Assistant the MTRCL
Secretary for Transport and
Housing)

83. In addition, the following Members had declared remote or indirect interests on the item:

Dr Eugene K.K. Chan } being convenor (Dr Chan) or committee
Ms Christina M. Lee } member (Ms Lee) of the Hong Kong
Metropolitan Sports Event Association
that had solicited sponsorship from Sun
Hung Kai

84. Members noted that the Members who had declared direct interests above and Dr Eugene K.W. Chan had left the meeting. Members agreed that Ms Christina M. Lee who had declared indirect interests should be allowed to stay in the meeting and participate in the discussion.

Presentation and Question Session

85. The Chairman said that reasonable notice had been given to all the representers and commenters inviting them to the hearing. Members agreed to proceed with the hearing of the representations and comments in the absence of those representers and commenters who had either indicated not to attend the meeting or made no reply to the

invitation to the hearing.

86. The following government representatives and the representers/commenters and their representatives were at the meeting at this point:

- | | | |
|----------------|---|--|
| Ms Maggie Chin | - | District Planning Officer/Fanling, Sheung Shui and Yuen Long East, Planning Department (DPO/FS&YLE, PlanD) |
| Mr K.W. Cheung | - | Senior Nature Conservation Officer (North), Agriculture, Fisheries and Conservation Department (AFCD) |
| Ms Y.N. Chan | - | Nature Conservation Officer (Kam Tin), AFCD |

R4 / C35 – East Gold Development Ltd.

- | | | |
|--------------------|---|-------------------------------|
| Mr Dickson Hui |] | |
| Ms Winnie Wu |] | Representer's representatives |
| Miss Michelle Chan |] | |
| Mr Arnold Koon |] | |

87. Mr Tang Chi Man (R7) was invited to join the meeting at this point.

88. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Ms Maggie M.Y. Chin (DPO/FS&YLE) to brief Members on the background of the representations.

89. With the aid of a Powerpoint presentation, Ms Chin made the following main points as detailed in the Paper:

Amendments to the OZP

- (a) on 9.5.2014, the draft Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/8 was exhibited for public inspection under section 5 of the

Town Planning Ordinance (the Ordinance). The amendment that was subject of the representations considered under Group 2 was the rezoning of an area at Cheung Chun San Tsuen from “Undetermined” (“U”) to “Comprehensive Development Area (1)” (“CDA(1)”) under Amendment Item B1;

- (b) during the two-month exhibition period, a total of 15 valid representations were received. On 25.7.2014, the representations were published for three weeks for public comments and a total of 35 valid comments were received;
- (c) the Group 2 hearing was for consideration of 10 representations (i.e. R2 (Part), R3, R5 and R14). The representations were submitted by the MTRCL (R2(Part)), Bright Strong Limited (BSL) (R4) and Tang Sing Yam Tso and local villagers (R6 to R13). The concerned representations opposed or raised concerns on the “CDA(1)” at Site B1. There were 34 comments (C1 to C33 and C35), relating to 9 representations (No. R2 (Part) and R6 to R13) that opposed zoning Site B1 as “CDA(1)” ;

Grounds and Proposals of Representations and Responses

- (d) the main grounds of the representations were highlighted in paragraph 2.3.3 of the Paper. Concerned government bureaux/departments had been consulted on the representations and comments and their latest assessments were set out in paragraph 6.2 of the Paper as summarised below:

“CDA(1)” zone (R4, R6 to R13)

- (i) the “CDA(1)” zone covered a large area of 17.09 ha under multiple and fragmented land ownership. Phased development was not practicable. R4 proposed to rezone Site B1 to "R(E)"

whereas R6 to R13 proposed to rezone the land owned by the Tang Sing Yum Tso (R6)/ Tang Nam Kei Tso (R7 to R13) so that they could be developed independently;

(ii) the responses to the above grounds were:

- Site B1 was mainly under private ownership, 13.8ha (81.2%) was private land and about 3.29ha (18.8%) was government land. Site B1 was currently occupied by some rural industrial uses with some vacant residential dwellings/structures and a pond/meander. Development in the site would be subject to industrial/interface problem and possible noise impact from the planned Northern Link (NOL). The site had no proper vehicular access, drainage and sewerage facilities;
- the “CDA(1)” zoning would achieve a better layout and environment by means of amalgamation of sites for comprehensive development. Provision of Government, institution and community facilities including a primary school, social welfare facilities and community facilities would be required. The meander and pond at the northern part of Site B1 were important landscape features that should be retained;
- the “CDA(1)” zoning allowed flexibility for the development mix, design and layout of the proposed development within the zone, taking into account environmental, ecological, traffic, infrastructure and other planning considerations;
- for the above reasons, the “CDA(1)” zoning was appropriate and in line with the “Town Planning Board Guidelines on Designation of “CDA” Zones and Monitoring the Progress of

“CDA” Developments (TPB PG-No. 17)

- TPB PG-No.17 set out criteria under which phased development in “CDAs” might be allowed. The adjacent Sha Po Development with a site area of 28.1ha was being implemented in phases. PlanD would frequently review the “CDA” zones in order to monitor closely the progress of development;

Zoning boundary of “CDA(1)”

- (iii) the boundary of the “CDA(1)” zone encroached into the development site of the Sha Po Development (approved under Application No. A/YL-KTN/118-2) and the connecting road between Phases 1 and 2 of the Sha Po Development;
- (iv) the response to the above ground was that the Sha Po Development fell mainly within the “CDA” zone with minor boundary discrepancies with the “CDA(1)” zone. Upon completion of the Sha Po Development, the relevant “CDA” would be rezoned to appropriate residential zoning and the discrepancy on the zoning boundary would be rectified to reflect the completed development;

Provision of access road (R4)

- (v) the Government should bear responsibility to provide access to the “CDA(1)” site which should be well connected with local road network;
- (vi) the response to the above ground was that OZPs mainly showed broad land use zonings. The provision of local roads within the site would be examined at the detailed planning and design stage. The “CDA(1)” zoning provided opportunities for restructuring of road patterns and ensure integration of various land-uses and

infrastructure. The Highways Department and the Transport Department would consider the requirement on the provision of public road/access subject to the submission of master layout plan (MLP) by the future project proponent at the planning application stage;

[Dr. C.P. Lau returned to join the meeting at this point.]

Possible Noise impact on the “CDA(1)” site (R2 (Part))

- (vii) the “CDA(1)” site was subjected to railway noise. The railway reserve for the NOL would pass through the “CDA(1)” zone. The future project proponents should conduct a Noise Impact Assessment (NIA) and implement appropriate mitigation measures at their own cost;
- (viii) the response to the above ground was that NOL was one of the projects under the recently completed Railway Development Strategy 2014 . NOL would be a designated project under the Environmental Impact Assessment Ordinance. Under the “CDA(1)” zone, the applicant would be required to conduct relevant technical assessments taking into account the NOL;

Reservation of Primary School site in “CDA(1)” zone (R4)

- (ix) there were already alternative sites readily available for the provision of primary school at The Riva and Sha Po Development, the requirement for provision of a primary school in “CDA(1)” should be deleted;
- (x) the responses to the above ground were:
 - according to the Hong Kong Planning Standards and Guidelines (HKPSG), 2 primary and 2 secondary schools

would be required to serve the planned population of about 33,500 for the Kam Tin North area;

- a primary school had been reserved in the Sha Po Development to meet the short term demand and another primary school would be provided at Site B1. The Education Bureau (EDB) advised that there was adequate secondary school provision in Yuen Long District to meet the demand. There would be on-going monitoring of school demand;
- since Site A2 was not required for school use and there was no need to reserve the site for other GIC uses, Site A2 was zoned “R(B)1” to meet the imminent housing need in view of the residential character of the area;

Representers’ Proposals

- (e) the proposals put forward by the representers were highlighted in paragraph 2.4 of the Paper. As the representers’ proposals were similar to the major grounds, the responses were similar to those provided for the representations above;

Grounds and Proposals of Comments

- (f) the major grounds of the comments were highlighted in paragraph 2.5 of the Paper and summarised below:
 - (i) the large “CDA(1)” site was difficult to develop (C1 to C32);
 - (ii) the “CDA(1)” zone should be subdivided into several “CDAs” with provision of infrastructure and public roads. It would promote economy and employment opportunity, and improve living quality / livelihood of the area (C1 to C6, C8 to C14, C16 to C32);

- (iii) opposed the representation of R2 (submitted by MTRCL) (C33);
- (iv) development with mitigation measures in the area would still cause adverse impacts on the surroundings / the residents (C33);
- (v) the views of the indigenous villagers objecting to the “CDA(1)” zone should not be considered as they were due to personal interest (C33);
- (vi) MTRCL should ensure that the planned NOL would not cause nuisance to the surroundings. Noise mitigation measures should be implemented and the cost should be taken into account by the future operator of the NOL (C35);
- (g) the main grounds of the comments were similar to those raised by the representers and the responses were provided above;

PlanD's View

- (h) noted the comments of R2(part); and
- (i) did not support R4 and R6 to R13 and considered that the Plan should not be amended to meet the representations.

90. The Chairman then invited the representers/commenter and their representatives to elaborate on their representations/comment.

R4/C35 – Bright Strong Limited

91. With the aid of a powerpoint presentation, Ms Winnie Wu made the following main points:

Proposed Rezoning of Site B1 from “CDA(1)” to “R(E)”

- (a) their representation (R34) was in opposition to zoning of Site B1 to “CDA(1)”, as Site B1 had a large area (17.08 ha), which was under more than 30 fragmented land titles and there was a requirement for provision of a school therein. Other site owners within the “CDA(1)” had also submitted representations indicating that they wished to develop their land independently. This reflected that it would be very difficult to reach a consensus on the master layout plan (MLP) including the location of the proposed school. The development time could well be 10 to 20 years. If the Government wanted to expedite housing supply, the site should not be zoned “CDA(1)”;
- (b) as an example, there was a “CDA” at Yau Tong with only 5 ha of land under 7 land titles. The site was zoned “CDA” in 1998 and there had not been any successful applications made in the past 16 years. In contrast, the sites further north of that “CDA” site that were zoned “Residential (Group E)” (“R(E)”) had been successfully redeveloped. Those sites were also previously zoned “CDA”, but the Board decided in 2000 to rezone them as “R(E)”. Thereafter, there were 16 approved planning applications and three of the developments were completed and occupied. The example showed that the “R(E)” zone would expedite the redevelopment process while at the same time retaining planning control to deal with matters such as industrial/residential interface because residential developments in “R(E)” zone required planning permission from the Board;
- (c) the “CDA(1)” zone covering Site B1 was three times larger than the above mentioned “CDA” site in Yau Tong and the land titles involved were four times more. It was inevitable that under the “CDA(1)” zone, Site B1 would take much more than 16 years to be implemented;
- (d) there were also four “CDA” sites in Lau Fo Shan in Ha Tsuen. The size of those “CDA” sites (11 to 17 ha) were comparable to the size of

Site B1. Those “CDA” sites had been zoned for 19 years and there had not been a single approved planning application. The Board agreed in 2002 to rezone those “CDAs” as “R(E)”. However, as some of the “CDAs” fell within the study area of the on-going Hung Shui Kiu study (Hung Shui Kiu New Development Area – Planning and Engineering Study), the rezoning was put on hold pending the recommendations of the study;

- (e) DPO had indicated that there could be phased development in the “CDA(1)” zone and it was indicated that the development in the Sha Po “CDA” was also implemented in phases. In this regard, it should be noted that the approved planning application for the Sha Po Development was made under the previous “U” zoning. Moreover, the Sha Po development was under a single land title and the two phases were only due to development programming and not problem with land acquisition. Moreover, it was not realistic to assume that there would be phased development within the “CDA(1)” as it was impossible to draw up the phasing boundaries with so many land titles involved;

Boundary of “CDA(1)” zone did not reflect the approved scheme of the Sha Po Development

- (f) the “CDA(1)” zone had encroached onto the development site of the approved Sha Po Development. In particular, it encroached on the access road linking Phases 1 and 2 of the Sha Po Development. DPO indicated that it was only a minor discrepancy and the matter could be dealt with later when the Sha Po Development was rezoned to an appropriate zoning after completion of the project. However, the representer requested the Board to make the amendments now to meet their representation to avoid any potential conflict with the development on the “CDA(1)” zone. In addition, the Board was requested to amend the Notes and Explanatory Statement to specify clearly that future developments in Site B1 should avoid any possible encroachment onto the development site boundary of the approved Sha Po Development;

Others

- (g) as explained in the Group 1 hearing, it was impractical to expect that the school proposed in the “CDA(1)” zone could be implemented due to the fragmented ownership; and
- (h) it was the responsibility of the Government to provide supporting infrastructures and utilities to facilitate the developments planned in the Kam Tin North area.

R7 – Tang Chi Man

92. Mr Tang Chi Man said that there was sizable land within Site B1 that was owned by their Tso, they would not sell off those land nor acquire any private land for development. They requested the Board to rezone the land owned by the Tso/Tong so that they could be developed independently. If those land was retained under a “CDA(1)” zoning, it would remain undeveloped for many years.

93. As the presentations of the representers and commenter had been completed, the Chairman invited questions from Members.

94. The Chairman asked DPO to explain the planning considerations in zoning the site for “CDA(1)” instead of other zonings. Ms Maggie Chin (DPO/FS&YLE) said that it was noted that the site was subjected to fragmented ownership and there could be difficulties in implementation. With the aid of a plan showing the private land and government land in Site B1 on the visualiser, she said that the “CDA(1)” zoning was considered appropriate as it could avoid piece-meal developments and would allow for a better layout as well as incorporation of planning gains such as provision of community facilities. The segregated government land of about 3 ha within the “CDA(1)” zone could also be appropriately incorporated into the development, which would optimize the development potential of the site. The natural features, such as the existing meander and pond, could also be incorporated in the overall layout. The PR of the “CDA(1)” zone had been increased to 1.2, which might provide incentive to expedite development. It was

considered appropriate to rezone Site B1 from “U” to “CDA(1)” with a clear planning intention specified under the OZP.

95. With the aid of some plans, she said that two planning applications (No. A/YL-KTN/370 and 371) covering Site B1 were submitted to the Board in 2011 and subsequently withdrawn in 2013. Those two proposals were at a lower PR (i.e. about 0.33) than that allowed under the “CDA(1)” zone. According to the information submitted in support of those two withdrawn applications that were shown on the visualizer, she said that the applicant had indicated that they owned, had obtained consent or were in negotiation to acquire a lot of land titles within Site B1. Hence, it was considered that with an increase in PR, provision of infrastructure and public transport services in the area, the “CDA(1)” zoning could facilitate early implementation of the development.

96. The proposal to rezone Site B1 to “R(E)” based on the example in Yau Tong might not be directly applicable as the Kam Tin North area was rural in character and there was no proper vehicular access, drainage and sewerage facilities serving the area. A comprehensive development under a “CDA(1)” zoning was considered appropriate and achievable.

97. Mr Dickson Hui (R4) said that the two planning applications mentioned by DPO covering Site B1 were submitted under two separate applications but they were subsequently withdrawn as there were a lot of disagreement among the land owners. “CDA” could be a good planning tool to achieve a planning purpose but it depended on different site conditions. The representer, who would be taking forward developments in the area, was of the opinion that the “CDA(1)” zone was not implementable in this circumstances.

98. Mr Hui continued to say that provision of a school site (Site A2) was a major planning gain offered by The Riva development. He did not agree to rezone Site A2 for residential use and to shift the requirement for provision of a school to the “CDA(1)” zone that practically could not be implemented. Site A2 that was readily formed should be used for school development to meet the demand of the 30,000 odd population planned in the area. The proposed “R(E)” zoning for Site B1 would allow the Board to retain control

through approval of planning applications.

99. The Vice-chairman said that Mr Tang (R7) had indicated that Tso/Tong land would not be sold and had to be developed independently, he asked why those Tso/Tong land was included within the application site of the withdrawn application. As Mr Tang (R7) had left the meeting, the Vice-chairman asked R4 to respond to his question. Ms Winnie Wu (R4) said that Site B1 was previously zoned “U” and all developments required planning application. The applicant had roughly divided Site B1 into two portions and submitted two planning applications. In those two applications, the applicant had not obtained consent from all land owners and they notified the land owners through advertisements and site notices. However, after the planning applications were submitted, there were a lot of public objections and the applications were subsequently withdrawn.

100. As Members had no further question to raise, the Chairman thanked the government representatives as well as the representers/commenter and their representatives for attending the meeting. They all left the meeting at this point.

[Ms Bernadette H.H. Linn left the meeting at this point.]

Deliberation

Group 1

101. The Chairman asked Members to consider the representations and comments under Group 1 taken into account the written submissions and the oral submissions. Members noted the grounds and proposals of the representations and comments in paragraphs 2.3 to 2.5 and Annex IIc of the TPB Paper No. 9749 and agreed to the responses in paragraphs 5.2 to 5.4 and Annex IIc of the Paper. In gist:

- (a) with regard to the proposal to review the “V” zone, it was agreed that there was no need to review the “V” zone as there was still about 33.4 ha of land in the “V” zone to meet the current outstanding demand for Small Houses;

- (b) with regard to concerns on preservation of more wetland by zoning them as “CA”, it was agreed that appropriate areas within the Kam Tin North planning area had been zoned “CA” taking into account the advice of DAFC. There was no strong justifications put forward to rezone more land for conservation purpose;
- (c) with regard to the concerns on rail/traffic noise, Members agreed that there were existing mechanisms to require project proponents to submit relevant technical assessments to support their development proposals. Members also noted that DEP had no objection to the sites zoned for residential use from environmental impact perspective;
- (d) with regard to gas risks, Members agreed that there was no insurmountable risk problem of the representation sites for residential development and that there were existing authorities and mechanisms governing gas safety; and
- (e) with regard to the school site (Site A2), Members noted that EDB agreed to release Site A2 for residential use as there was no immediate need for development of the school. The school would be reprovided within the “CDA(1)” development that would match with the time table for population intake. Members agreed to retaining the “R(B)1” zoning for Site A2.

102. After further deliberation, Members agreed to note the supporting views of R1(part) and decided not to uphold the other representations R1(Part), R2(Part), R3, R5, R14 and R15. Members then went through the proposed reasons for not upholding R1(Part), R2(Part), R3, R5, R14 and R15 in paragraph 7.2 of the TPB Paper No. 9749 and considered that they were appropriate. The reasons were:

“ R1 (Part)

- (a) the land use zonings of the Outline Zoning Plan (OZP) will be reviewed when necessary. There is no planning justification for rezoning the representation site to “Village Type Development”(“V”) or other residential zone;

R2 (Part)

- (b) in determining the development intensity and zonings of the representation sites, the Board has taken into account a number of planning considerations including the ecological and noise perspectives. The requirement for environmental/noise impact assessments where necessary has been reflected in the zonings of these sites and indicated in the Explanatory Statement of the OZP;
- (c) there is no planning justification for R2’s proposal of reducing the plot ratio of the representation site or locating all the residential developments around the north-eastern portion of Site C1 and away from the West Rail viaduct. For Site C1, any future development will require planning permission from the Board. This is also no planning justification for imposing a 30m open buffer along the south-western portion of Site C1;

R3

- (d) there is no insurmountable risk problem of the representation sites for residential development. Details of the mitigation measures would be examined at the detailed planning and implementation stage;

R5

- (e) the representation site (Site A2) is part of a planning scheme previously approved by the Board. It is suitable for residential development. Appropriate noise mitigation measures will be incorporated at the detailed planning and implementation stage of the Site;

- (f) sites for primary school have been reserved in Kam Tin area to meet the medium to long-term demand. Provision of school places in the area will be in tandem with the population build-up;
- (g) as Site A2 is not required for other Government, institution or community use and it is suitable for residential development, there is no planning justification to rezone the Site to “Government, Institution or Community” zone;

R14

- (h) site B2 comprises vegetated land, abandoned ponds and some developed areas in the centre. It is adjacent to a large piece of agricultural land to its east which is under “Agriculture”(“AGR”) zone. It is appropriate to zone Site B2 as “AGR”.

R15

- (i) in determining the development intensity and zonings of the representation sites, the Board has taken into account a number of planning considerations including the ecological perspective. There is no direct loss of important bird foraging or breeding habitats and hence, no adverse ecological impact is anticipated. Appropriate sites in Kam Tin North area have been rezoned to “Conservation Area” to preserve the conservation value of the sites under the OZP; and
- (j) the “Residential (Group E)1” zoning for Site C1 is appropriate as the site is a piece of vacant private land overgrown with vegetation and bounded by Kam Tin River, the railway track/viaducts of the WRL and Kam Tin Bypass with low ecological/conservation value. Residential developments at the site is considered compatible with the surrounding areas predominated by village type developments and major roads. There is no planning justification to rezone the Site to “CA”.

Group 2

103. The Chairman asked Members to consider the representations and comments taken into account the written submissions and the oral submissions. Members noted the grounds and proposals of the representations and comments in paragraphs 2.3 to 2.5 and Annex IIc of TPB Paper No. 9750 and agreed to the responses in paragraphs 5.2 to 5.4 and Annex IIc of the Paper. In particular regarding the zoning of Site B1 as “CDA(1)”, Members agreed that “CDA(1)” zoning could allow for more comprehensive developments to be planned with required community facilities and it would be preferred over the “R(E)” zoning proposed by the representer. Members also noted that PlanD would frequently review the “CDA” zones designated on OZPs in order to monitor closely the progress of development. It was also the Board’s practice to review each “CDA” site at the end of the third year after its first designation. In view of that, Members considered it was appropriate to retain the “CDA(1)” zoning for Site B1 due to the merits of a “CDA” zoning mentioned by DPO. PlanD would monitor the progress of its development and if needed, the Board could consider alternative zonings at a later date.

104. After further deliberation, Members decided not to uphold representations No. R4 and R6 to R13. Members then went through the proposed reasons for not upholding R4 and R6 to R13 in paragraph 8 of TPB Paper No. 9750 and considered that they were appropriate. The reasons were:

“ R4

- (a) the zoning of Site B1 as “Comprehensive Development Area (1)” (“CDA(1)”) is appropriate as it would allow flexibility for a comprehensive layout to cater for the provision of an access road and necessary community facilities including a primary school. The “CDA(1)” zone would also facilitate appropriate planning control over the development mix having regard to the environmental constraints;
- (b) the representers’ proposal of rezoning the site to “Residential (Group

E)” (“R(E)”) will result in piecemeal development of individual land parcels or lots. It will also defeat the planning intention for allowing flexibility in the layout to cater for the provision of access roads and necessary community facilities including a primary school;

- (c) the discrepancy of the boundaries between the “CDA(1)” and “CDA” zones would be rectified through minor boundary adjustment to reflect the completed development;
- (d) according to the Hong Kong Planning Standards and Guidelines, the proposed school site at Site B1 is required to meet the demand for primary schools in the area;

R6 to R13

- (e) the zoning of Site B1 as “CDA(1)” is appropriate as it would allow flexibility for a comprehensive layout to cater for the provision of access roads and necessary community facilities including a primary school. The “CDA(1)” zone would also facilitate appropriate planning control over the development mix having regard to the environmental constraints; and
- (f) the representers’ proposal of rezoning the site for independent development or other commercial/residential uses will result in piecemeal development of individual land parcels or lots. It will also defeat the planning intention for allowing flexibility in the layout to cater for the provision of access roads and necessary community facilities including a primary school.”

105. After further deliberation, Member decided to note the comments of R2(part) and agreed to advise R2(part) of the following:

- “ (a) In determining the development intensity and zonings of the

representation sites, the Board has taken into account a number of planning considerations including the ecological and noise perspectives. The requirement for environmental/noise impact assessments where necessary has been reflected in the zonings of these sites and indicated in the Explanatory Statement of the Outline Zoning Plan; and

- (b) The alignment of the Northern Link would be subject to detailed study/assessment in which the existing and planned developments along the alignment of the NOL would be taken into account. Beside, the future proponent of the “Comprehensive Development Area(1)” (“CDA(1)”) zone at Site B1 will conduct relevant noise impact assessments and implement appropriate noise mitigation measures for any future development.”

[Dr Eugene K.K. Chan returned to join the meeting, Dr C.P. Lau left the meeting temporarily, and Ms Bonnie J.Y Chan and Mr Lincoln L.H. Huang left the meeting at this point]

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-PH/688

Proposed Temporary Open Storage of Vehicles Prior to Sale for a Period of 3 Years in “Village Type Development” Zone, Lots 2096 S.B ss.4 S.A, 2097 S.B ss.2, 2097 S.B ss.3 in D.D. 111 and Adjourning Government Land, Pat Heung, Yuen Long

(TPB Paper No. 9751)

[The meeting was conducted in Cantonese.]

106. Ms Janice W.M. Lai had declared interests on this item as her family members owned a house at Cheung Po, Pat Heung, Yuen Long. Members noted that Ms Lai had left the meeting.

107. Ms Maggie M.Y. Chin, DPO/FS&YLE, PlanD and the applicant’s

representatives, Mr Ho Chi Wing and Mr Chan Tsun Lok were invited to the meeting at this point.

108. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/FS&YLE to brief Members on the review application.

109. With the aid of a Powerpoint presentation, Ms Chin presented the application and covered the following main points as detailed in the Paper:

Background

- (a) on 14.4.2014, the applicant sought planning permission to use the application site (the Site) for temporary open storage of vehicles prior to sale for a period of 3 years. The Site was zoned “Village Type Development” (“V”) on the approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11 at the time of application and currently in force. The Site was currently used for the applied use without valid planning permission;
- (b) on 13.6.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application for reasons that:
 - (i) the development was not in line with the planning intention of the “V” zone;
 - (ii) the application did not comply with the Town Planning Board Guideline for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E);

- (iii) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
 - (iv) the approval of the application would set an undesirable precedent;
- (c) the Site had an area of 513.4 sq.m., the applied use had a total floor area of 76.3 sq.m. for office and carport with washing facilities. There would be 14 parking spaces. The applicant undertook to improve the run-in/run-out of Kam Tin Road and to construct a platform over the roadside drain and to build a boundary wall in the western site boundary;

Previous and Similar Applications

- (d) the Site was involved in five previous Applications No. A/YL-PH/73, 155, 231, 331 and 412 covering the southeastern portion of the Site and its adjoining area to the east. Applications No. A/YL-PH/73 and 155 were rejected by the RNTPC. The other three previous applications (No. A/YL-PH/231, 331 and 412) were approved before the promulgation of TPB PG-No. 13E on 17.10.2008;
- (e) there were three similar Applications No. A/YL-PH/582, 599 and 698 within the same “V” zone that were rejected by the RNTPC or the Board on review on 5.6.2009, 30.4.2010 and 12.9.2014 respectively for reasons similar to the subject application;

Departmental Comments

- (f) the departmental comments were highlighted in paragraph 5 of the Paper. The Director of Environmental Protection (DEP) did not support the application as residential dwellings were found in close proximity (the nearest being less than 10m to the southwest); the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD requested the applicant to submit landscape and tree preservation proposal; and the Chief

Engineer/Mainland North, Drainage Services Department (CE/MN,DSD) requested the applicant to submit a drainage proposal;

Public Comments

- (g) no public comment was received at both the review and section 16 stage;

Planning Considerations and Assessment

- (h) the planning considerations and assessment were in paragraph 7 of the Paper and summarised below:

- (i) the applicant claimed that there were open storage uses within 100m of the Site. While there were a total of 14 sites for open storage / storage yards, warehouses and workshop in the vicinity of the Site, 9 out of the 14 sites were suspected unauthorized development subject to enforcement actions. The remaining 5 sites were “existing use” and should be phased out in future. The applied use was not in line with the planning intention of the “V” zone and 76.6% (393.4m²) of the Site was Government land which could be released for Small House development;
- (ii) the applicant stated that this was his first section 16 planning application and he should be given adequate time to relocate the business. However, prior planning permission should have been obtained before commencing the applied use. The Site fell within Category 4 areas under the TPB PG-No. 13E and there was no exceptional circumstance that warranted approval of the application. DEP reiterated that he did not support the application due to environmental nuisance. CTP/UD&L, PlanD and CE/MN, DSD requested the applicant to submit and implement landscape and tree preservation proposal and drainage proposal respectively; and

(iii) three similar applications were rejected by the RNTPC or the Board on review. Approving the application would create undesirable precedent and lead to cumulative degradation of the environment in the area; and

(i) PlanD's View – did not support the review application.

110. The Chairman then invited the applicant's representatives to elaborate on the review application.

111. With the aid of a few plans, Mr Ho Chi Wing made the following main points:

- (a) the majority of current uses (about 70% to 80% by land area) within 100m of the Site were warehouses, manufacturing and open storage uses. There were only a few village houses near the Site;
- (b) PlanD had indicated that the current uses on an area to the southeast of the Site were 'existing use'. However, that area was subject of an approved planning application which was subsequently revoked. If the uses there were 'existing use', it would not require planning application;
- (c) the subject application was the applicant's first application on the Site. Some government land on the Site was subject of other previous applications that were not submitted by the applicant;
- (d) the Board had granted five to six approvals for planning applications for open storage uses on an area further south of the Site along Kam Tin Road. The Board only rejected the planning application for such use on that site in 2010. Hence, the Board had allowed sufficient time for that applicant to operate on the site as well as relocate its business;
- (e) PlanD indicated that other departments objected to the planning application. However, as stated in the Paper, only the Lands

Department objected to the use of government land on the Site. DEP did not indicate strong objection to the application. There was also no objection nor complaints from local residents;

- (f) in view of the above, the proposed use was a suitable land use on the Site. The Site was only used for parking of vehicles prior to sale and would not generate traffic or noise impacts. The applicant should be allowed to continue its operation while he tried to find other suitable locations to relocate his business.

112. A Member noted that the applicant had indicated that it was his first application and the previous applications involving the Site were submitted by other applicants. The Member asked whether the application should be considered according to the TPB PG-No. 13E regardless of whether there were previous applications on the Site. In response, Ms Chin, DPO/FS&YLE said that the Site fell within Category 4 areas under TPB PG-No. 13E, and the proposed open storage uses should not be approved unless under exceptional circumstances. Information about the previous applications involving the Site were included in the Paper to provide background information only. Furthermore, the current use on the Site had not obtained planning permission and was an unauthorised development subject to enforcement actions by the Planning Authority.

113. As the applicant's representatives had no further comment to make and Members had no further question, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked DPO/FS&YLE and the applicant's representatives for attending the meeting. They all left the meeting at this point.

[Dr C.P. Lau returned to join the meeting at this point.]

Deliberation

114. The Chairman requested Members to deliberate on the review application taking account of the written and oral submissions of the applicant. Members

considered that there was no new justifications put forth by the applicant at the review that warranted changing the RNTPC's decision and agreed that the application should be rejected as it was not in line with the planning intention of the "V" zone, it did not comply with TPB PG-No. 13E, the applicant failed to demonstrate that the development would not generate adverse development impacts, and the approval of the application would set an undesirable precedent.

115. After deliberation, Members decided to reject the application on review. Members then went through the reasons for rejection of the review application as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- “ (a) the development is not in line with the planning intention of the “Village Type Development” (“V”) zone which is intended for development of Small Houses by indigenous villagers. The development is not compatible with the surrounding land uses which are predominated by residential dwellings/structures. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guideline for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that there is no exceptional circumstance that warrants sympathetic consideration, and that there is adverse departmental comment against the development;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into the “V” zone. The cumulative effect of approving such applications

would result in a general degradation of the environment of the area.”

Sha Tin, Tai Po & North

Agenda Item 6

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TK/507

Proposed House (New Territories Exempted House-Small House) in ‘Green Belt’ Zone,
Government Land in D.D. 27, Sha Lan, Tai Po

(TPB Paper No. 9752)

[The meeting was conducted in Cantonese.]

116. Mr C.K. Soh, District Planning Officer/Shan Tin, Tai Po and North, Planning Department (DPO/STN) and the applicant, Mr Lee Ting Sung, were invited to the meeting at this point.

117. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/STN to brief Members on the review application.

118. With the aid of a Powerpoint presentation, Mr Soh presented the application and covered the following main points as detailed in the Paper:

Background

- (a) on 2.5.2014, the applicant sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) on the application site (the Site). The Site fell within an area zoned “Green Belt” (“GB”) on the approved Ting Kok Outline Zoning Plan No. S/NE-TK/17;
- (b) the Site was located on a sloping area covered with weeds and there were trees on the western edge of the Site. It was located entirely

within the village ‘environs’ (‘VE’) of Sha Lan, Shuen Wan Chan Uk, Lei Uk and Chim Uk and accessible by a temporary footpath;

(c) on 27.6.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:

- (i) the proposed development was not in line with the planning intention of the “GB” zoning;
- (ii) the application did not comply with the Interim Criteria for consideration of application for NTEH/Small House in New Territories (Interim Criteria) and the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that the proposed development would involve cutting of slopes and site formation works that would cause adverse impacts on the surrounding natural landscape; and
- (iii) the approval of the application would set an undesirable precedent and lead to cumulative degradation of the environment and landscape quality of the area;

Previous and Similar Applications

- (d) there was no previous application on the Site;
- (e) there were 17 similar applications for Small House development in the vicinity of the Site and within the same “GB” zone. 12 of those applications (No. A/NE-TK/280, 298, 306, 353, 365, 398, 441, 459, 481, 502, 506 and 508) were rejected by the RNTPC/the Board on review between 2009 and 2014 for reasons similar to the subject application;

- (f) four other applications (No. A/NE-TK/270, 300, 320 and 497) were approved with conditions by the RNTPC between 2009 and 2014 mainly on considerations that more than 50% of the Small House footprint fell within the 'VE'; there was a general shortage of land in meeting the Small House demand; and there would not be adverse environmental impact to the surrounding area;
- (g) Application No. A/NE-TK/504 was approved with conditions by the RNTPC on 25.4.2014 mainly on consideration that the application was to rectify the site formation works of an approved Small House application (No. A/NE-TK/300) which involved filling and excavation of land within "GB" zone;

Application for Review

- (h) the main justifications put forth by the applicant in support of the review were highlighted in paragraph 3 of the Paper and summarised below:
 - (i) if the application was approved, the applicant would hire professionals to construct the Small House and ensure that the proposed development would have no adverse impacts on drainage and the access road;
 - (ii) the Small House would be painted in green and its adjoining areas would be landscaped with plants and vegetation;
 - (iii) there was complicated dispute of land issue in the village and the applicant was being cheated and his land was sold by his brother; and
 - (iv) the applicant wanted his next generation to have a better living environment;

Public Comments on the Review Application

- (i) there were 65 public comments received during the publication period objecting to the review application mainly on the grounds that the proposed Small House development was not in line with the planning intention of the “GB” zone, the Interim Criteria and the TPB PG-No. 10; and the proposed development would have adverse landscape, drainage, traffic, sewerage and environmental impacts on the surrounding areas;

Planning Considerations and Assessments

- (j) the planning considerations and assessments were in paragraph 7 of the Paper and summarised below:
 - (i) although the applicant indicated that he would employ professionals to handle the construction of the Small House and proposed to provide landscape features adjoining the proposed development, he had not provided any details on site formation works and landscape proposal to demonstrate that there would not be adverse landscape impact arising from the proposed development;
 - (ii) Chief Town Planner/Urban Design and Landscape, PlanD maintained his objection to the application from landscape planning point of view, as the proposed development would likely require slope cutting, site foundation works, vegetation clearance and tree removal, which should have significant adverse impacts on existing landscape resources;
 - (iii) although more than 50% of the footprint of the proposed Small House fell within the ‘VE’ and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the concerned villages, the application did

not meet the Interim Criteria and did not comply with the TPB PG-No. 10 in that the cutting of slopes and site formation works would cause adverse landscape impact;

(iv) the approval of this application would encourage similar applications in the area within the subject “GB”, resulting in a general degradation of the environment and landscape resources of Sha Lan; and

(v) there had been no material change in planning circumstances for the Site and its surrounding areas since the rejection of the application. There was no strong reason to warrant a departure from the RNTPC’s previous decision; and

(k) PlanD’s view – did not support the application.

119. The Chairman then invited the applicant to elaborate on the review application. Mr Lee Tin Sung made the following main points:

(a) he was the first person who submitted an application for building a Small House in 1974. The Board had not approved his application but had approved more than 10 other planning applications for Small House development in the area. This was unfair to him;

(b) the village representatives and managers had sold the land that should belong to the whole village. His complaints to the Government in this regard had not been addressed;

(c) the Site was previously a farm land and was located away from the sloped areas. If more government land was granted to him, he would undertake to improve the drainage facilities; and

- (d) the persons who had raised objection to the planning application were not local villagers and would not be affected by the proposed development.

120. The Chairman asked DPO to explain the status of the site marked “WIP May 2014” to the northeast corner of the Site. Mr Soh, DPO/STN said that the site was subject of approved planning applications No. A/NE-TK/300 and 504 and the Small House was under construction. In response to the Chairman’s further question, Mr Soh said that the Board had consistently rejected those applications that were within the “GB” zone and on sloped areas that required extensive site formation. The approved applications were mainly within the “V” zone and on flatter areas which would not involve extensive tree felling.

121. As the applicant had no further comment to make and Members had no further question, the Chairman informed him that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in his absence and inform the applicant of the Board’s decision in due course. The Chairman thanked DPO/STN and the applicant for attending the meeting. They all left the meeting at this point.

Deliberation

122. The Chairman requested Members to deliberate on the review application taking account of the written and oral submissions of the applicant. Members considered that there was no new justification put forth by the applicant at the review that warranted changing the RNTPC’s decision and agreed that the application should be rejected.

123. After deliberation, Members decided to reject the application on review. Members then went through the reasons for rejection of the review application as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- “ (a) the proposed development is not in line with the planning intention of the “Green Belt” zoning for the area which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone;
- (b) the application does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories and the Town Planning Board Guidelines for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that the proposed development would involve cutting of slopes and site formation works that would cause adverse impacts on the surrounding natural landscape. The applicant fails to demonstrate that the proposed development would not cause adverse landscape impact on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.”

Tuen Mun & Yuen Long West District

Agenda Item 7

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/YL-TYST/670

Proposed Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and used Electrical Appliances with Ancillary Office and Warehouses for a period of 3 Years in “Residential (Group D)” Zone, Lots 702 RP (Part), 705 RP (Part), 706 RP (Part), 707-713, 714 (Part), 715 (Part), 716-718, 719 (Part), 720 (Part), 752 (Part), 753 (Part), 754 RP (Part) and 757 RP in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(TPB Paper No. 9753)

[The meeting was conducted in Cantonese.]

124. Mr W.S. Lau, District Planning Officer/Tuen Mun & Yuen Long West, PlanD (DPO/TM&YLW) and the applicant’s representatives, Ms Betty S.F. Ho and Mr Wong Wan Ho were invited to the meeting at this point.

125. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/TM&YLW to brief Members on the review application.

126. With the aid of a Powerpoint presentation, Mr Lau made the following main points:

Background

- (a) on 12.2.2014, the applicant sought planning permission to use the application site (the Site) for temporary open storage of construction machinery and materials, recycling materials and used electrical appliances with ancillary office and warehouses for a period of 3 years. The Site fell within an area zoned “Residential (Group D)” (“R(D)”).

on the approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/10;

- (b) on 13.6.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
 - (i) the development was not in line with the planning intention of the “R(D)” zone;
 - (ii) the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13E) in that there were adverse departmental comments and local objections against the application;
 - (iii) the applicant failed to demonstrate that the development would not generate adverse environmental impact on the surrounding areas; and
 - (iv) the approval of the application would set an undesirable precedent and lead to cumulative degradation of the rural environment of the area;
- (c) the northwestern portion of the Site was currently used for open storage of construction materials, recycling material, trailers and parking of vehicles without valid planning permission, while the southeastern portion was vacant;
- (d) the southeastern part of the Site was subject to enforcement action for unauthorized storage use. Enforcement Notice was issued on 18.12.2013 requiring the concerned parties to discontinue the unauthorized development. Compliance Notice was issued on 30.5.2014 as the unauthorized development was discontinued;

- (e) recent site inspection revealed that parking of vehicles was found in the northwestern part of the Site. The case was subject to investigation. Should a material change of use be identified and confirmed in the Site, which constituted an unauthorized development under the Town Planning Ordinance, enforcement action would be instigated;

Justifications for the Review

- (f) the main justifications put forth by the applicant in support of the review were highlighted in paragraph 3 of the Paper and summarised below:
 - (i) the Director of Environmental Protection (DEP) had no adverse comment on the proposed use at the Site. There was no major residential development in the vicinity of the Site. The nearest residential clusters, such as Windsor Villa and Recours La Serre, were found at least 200m away to the north of the Site. The other uses in the vicinity, including unused land and agricultural land with dense vegetation and a single-storey plant nursery, did not constitute sensitive uses. There was no environmental complaint concerning the Site received in the past 3 years and the applicant was willing to provide sufficient screening and greening for the Site and implement good site practices and good housekeeping to avoid soil/groundwater contamination;
 - (ii) there was no approved application for residential development since the first zoning of the subject “R(D)” zone on the draft Tong Yan San Tsuen OZP No. S/YL-TYST/1 in 1996. Whilst the Site fell within the ‘Potential Development Area’ of the “Planning and Engineering Study for Housing Sites in Yuen Long South – Investigation” (the Yuen Long South

Study), the study anticipated the first population intake in the area to be in 2025 which was more than 10 years from now. The Site was premature for residential development and approval of this temporary application would not jeopardize the long-term planning intention of the area and would make good use of valuable land resources in the interim;

- (iii) although applications for open storage uses would normally not be favourably considered for sites falling within “Category 3” areas under the TPB PG-No. 13E, the guidelines also stated that sympathetic consideration might be given if the applicant had demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and the applied use would not generate adverse traffic, visual, landscaping and environmental impacts on the surrounding. Most government departments, including the Chief Town Planner/Urban Design and Landscape of PlanD (CTP/UD&L, PlanD), had no objection to or no adverse comment on the application and DEP’s concerns could be fully addressed. As such, approval of the application would not cause degradation to the surrounding areas;
- (iv) in consideration of the similarity with the previously approved applications (No. A/YL-TYST/4, 5 and 44), the approval of the application would not set an undesirable precedent;
- (v) there were two objecting public comments received on the application (at the section 16 planning application stage). For the concerns on obtaining landowner’s consent for using the Tso/Tong land at the Site, the applicant had obtained an authorization letter issued by the representative/manager of Tang Tsap Ng Tso. For the other concerns on air pollution, nuisances and fire safety concerns arising from the applied use, they would be well addressed as the applicant would comply

with the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storages Sites” and would comply with relevant approval conditions;

Public Comments on the Review Application

- (g) no public comment was received on the review application;
- (h) at the section 16 stage, two public comments were received from local villagers raising objection on the application. One comment pointed out that the Site involved Tso/Tong land and the applicant had failed to inform and obtain consent from the landowners. The other comment raised concerns on air pollution, nuisances and fire safety concerns generated by the development;

Previous Applications

- (i) the Site was the subject of 8 previous applications (No. A/YL-TYST/4, 5, 44, 119, 145, 158, 182 and 262) for similar temporary open storage or recycling facility uses. Except for the first 3 applications (No. A/YL-TYST/4, 5 and 44) which were approved with conditions by the RNTPC or by the Board on review, the other 5 applications were all rejected subsequent to the environmental complaints related to the open storage uses in the subject “R(D)” zone ;
- (j) the last previous application (No. A/YL-TYST/262) on the Site for proposed temporary recycling facility for plastic waste for a period of 3 years was rejected by the RNTPC on 3.12.2004 on similar grounds as the subject application;

Similar Applications

- (k) there were 7 similar applications for temporary open storage uses in the same “R(D)” zone approved either by the RNTPC or the Board on

review previously. These applications were all approved between 1997 and 2001 mainly on sympathetic grounds taking into account, inter alia, the individual merits of each application, the planning circumstances and the criteria of the guidelines in force at that time, previous approvals pertaining to the sites, and/or acceptability of the environmental and traffic conditions of the area at the time of consideration. The appeal involving planning application No. A/YL-TYST/140 in an area to the west of the Site was also dismissed by the Town Planning Appeal Board in 2002 on similar grounds;

- (l) upon the introduction of the classification of sites into the current 4 categories under the previous TPB PG-No. 13C, no further similar application for storage use had been approved within the same “R(D)” zone;

Planning Considerations and Assessment

- (m) the planning considerations and assessment were included in paragraph 7 of the Paper and summarised below:
 - (i) the applied use at the Site was not in line with the planning intention of the “R(D)” zone. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
 - (ii) the development was incompatible with the surrounding land uses which were predominantly rural in character mixed with cultivated agricultural land, residential structures and plant nurseries. The open storage yards found in the vicinity of the Site were mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority;
 - (iii) the application did not comply with TPB PG-No. 13E in that there was adverse comment from DEP who maintained his

previous view of not supporting the review application in view of the potential environmental nuisances generated by the proposed development on the nearby sensitive receivers (the nearest residential uses being about 60m from the Site). The closest dwelling with residents was only 15m from the Site, the applicant claimed that the dwelling was only a plant nursery but according to their site visit and as advised by the locals, there were people residing in the dwelling;

Precedent Effect

- (iv) the 3 previously approved applications (No. A/YL-TYST/4, 5 and 44) for various temporary open storage uses at the Site were approved by the RNTPC or by the Board on review between 1997 and 1998 when the environmental and traffic conditions of the area were still considered acceptable and there were no adverse departmental comment and local objection against the applications;
- (v) on 10.11.2000, the RNTPC considered a paper on the review of applications for temporary uses in the subject “R(D)” zone and agreed that as a guideline all future applications for port back-up and new open storage/warehouse/workshop uses causing significant adverse environmental and traffic impacts in the “R(D)” zone should be rejected;
- (vi) the subsequent applications (No. A/YL-TYST/119, 145, 158, 182 and 262) pertaining to the Site were all rejected either by the RNTPC or by the Board on review. There was no major change in planning circumstances that warranted a departure from the RNTPC or the Board’s previous decisions;
- (vii) no further similar applications had been approved within the same “R(D)” zone since promulgation of the previous TPB

PG-No. 13C; and

(viii) approval of the application would set an undesirable precedent and would cause cumulative degradation to the surrounding environment; and

(n) PlanD's view – did not support the review application.

127. The Chairman then invited the applicant's representatives to elaborate on the review application.

128. With the aid of a Powerpoint presentation, Ms Betty Ho made the following main points:

- (a) the Site was paved and there were fences along the site boundary. The Site was in a clean and tidy state;
- (b) there was a lot of open storage uses in the surrounding area, some of those existing land uses also involved the use of heavy vehicles;
- (c) in 2000, the RNTPC considered a paper on review of applications for temporary uses in the subject "R(D)" and agreed that all future applications for open storage uses therein should not be approved so as to maintain the rural character in the area. The "R(D)" zone had been zoned for 10 odd years and there had been no development and no applications submitted for residential uses. One reason was due to the very low plot ratio of 0.2 permitted in the "R(D)" zone that did not provide enough incentive for development;
- (d) there were a lot of applications for open storage in this "R(D)" zone. The reasons were that there was a high demand for port-back up uses, and there was convenient vehicular access to the area via Long Hon Road that had direct connection to Yuen Long Highway. There were only a few scattered domestic dwellings along Long Hon Road;

- (e) one of the rejection reasons was that the application did not comply with TPB PG-No. 13E as there were adverse departmental comments. DEP's view was that there were residential developments within 60m from the Site and the proposed use might create noise nuisance. It should be noted that the Site was some 200m from the two major residential developments, namely Windsor Villa and Recours La Serre. There were only two domestic dwellings within 60m from the Site, but these were buffered by dense vegetation in between and the fences at the Site. Vehicles accessing the Site would not pass through these residential developments/dwellings. The proposed use on the Site would have minimal impacts on these residential uses. The single storey structure some 15m from the Site was only a plant nursery and there was only one security guard staying there overnight;
- (f) the CTP/UD&L had no objection to the application, they considered that the proposed use was not incompatible with the surrounding uses and that there would be no significant adverse landscape impacts;
- (g) the applicant would agree to and comply with approval conditions for incorporation of environmental mitigation measures such as building fence around the site boundary and/or tree planting;
- (h) in view of the above, the proposed application could be considered to comply with TPB PG-No. 13E in that there were no objection from most government departments and it had been explained above that DEP's concern could be fully addressed. The applicant would also comply with the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storages Sites"; and
- (i) whilst the Site was within the study area of the Yuen Long South Study, that study would only be completed earliest in 2015. Any recommendations of that study would likely be materialised in some 10 years' time. In the interim, allowing temporary uses as that proposed

under the application would allow for better utilisation of land resource.
Approval of the application would not lead to undesirable precedent.

129. As the applicant's representatives had no further comment to make and Members had no question to raise, the Chairman informed them that the hearing procedures for the review application had been completed. The Board would further deliberate on the review application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked DPO/TM&YLW and the applicant's representatives for attending the meeting. They all left the meeting at this point.

Deliberation

130. The Chairman requested Members to deliberate on the review application taking account of the written and oral submissions of the applicant. Members considered that there was no new justifications put forth by the applicant at the review that warranted changing the RNTPC's decision and agreed that the application should be rejected as it did not comply with TPB PG-No. 13E and the other rejection reasons were still valid.

131. After deliberation, Members decided to reject the application on review. Members then went through the reasons for rejection of the review application as stated in paragraph 8.1 of the Paper and considered that they were appropriate. The reasons were:

- “ (a) the development is not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which is for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the application does not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13E) in that there are adverse departmental comment and local objections against the application;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "R(D)" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

Hong Kong District

Agenda Item 8

[Open Meeting]

Request for Deferral for Review of Application No. A/H24/22

Proposed Eating Place [Sites A and B] in “Other Specified Uses” annotated “Pier and Associated Facilities” Zone, Public Viewing Area and Public Shared Area next to Watermark on Public Viewing Deck Level (2/F) [Site A], Public Viewing Area and Public Shared Area next to Café & Bar on Roof Viewing Deck (3/F) [Site B] of Central Pier No. 7 and Roof Platforms [Site C] at the Central Terminal Building at Central Star Ferry Terminal, Central (TPB Paper 9754)

[The meeting was conducted in Cantonese]

Declaration of Interest

132. Mr Ivan C.S. Fu had declared interests in this item for having business dealing with Masterplan Limited, which was the consultant of the applicant and Dr W.K.

Yau had declared interest as the Chairman of the Tai Po Environmental Association that participated in the farmer's market at Star Ferry. Members noted that Mr Fu had left the meeting. As the item was only to consider a deferral request, Members agreed that Dr Yau could stay in the meeting.

133. The Secretary said that on 1.9.2014, the applicant's representative wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for two months. The applicant stated that there were departmental comments that required clarifications on technical details with the relevant government departments. Thus, extra time was required to respond to these departmental comments and solicit the views of the relevant government departments. This was the first request from the applicant for deferment of the review application.

134. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33) in that the applicant needed more time for further consultation with relevant government departments to resolve the technical issues, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

135. After deliberation, the Board agreed to defer a decision on the review application as requested by the applicant pending the submission of further information by the applicant. The Board also agreed that the review application should be submitted for within three months upon receipt of further information from the applicant. If the further information was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Board's consideration. The Board also agreed to advise the applicant that the Board had allowed a period of two months for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Procedural Matter

Agenda Item 9

[Open Meeting]

Submission of the Draft Kowloon Tong Outline Zoning Plan No. S/K18/18A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance (TPB Paper No. 9755)

[The meeting was conducted in Cantonese.]

136. In respect of the draft Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/17, the following Members had declared interests on the item for having affiliation with Hong Kong Baptist University (HKBU) who had submitted a representation and a comment, owning properties in the vicinity of the representation site at Renfrew Road (i.e. southern portion of the ex-Lee Wai Lee (LWL) site), and/or having current business dealings with HKBU.

- | | |
|------------------------|--|
| Mr Laurence L.J. Li | - being an ex-honorary member of the Court of the Hong Kong Baptist University (HKBU) and was once involved in the discussion in the Court regarding the use of the Site |
| Mr Stephen H.B. Yau | - being the Chairman of the Social Work Advisory Committee of the Department of Social Work in HKBU |
| Ms Christina M. Lee | - owning properties on Durham Road and being a part-time student of HKBU since September 2013 |
| Mr Clarence W.C. Leung | - owning a property near the junction of Durham Road and La Salle Road |
| Ms Julia M.K. Lau | - owning a share of a property near the junction of Hereford Road and Waterloo |

Road

- Mr H.F. Leung - having current business dealings with HKBU
- Mr Dominic K.K. Lam - having previous business dealings with HKBU in 2006

137. The Chairman and the following Members had declared interests on the item in respect of both OZPs No. S/K18/17 and S/18/18:

- Mr Thomas T.M. Chow] each owning a flat at Parc Oasis
- Mr H.W. Cheung]
- Mr Peter K.T. Yuen]
- Ms Janice W.M. Lai - owning a flat on Earl Street with her spouse
- Mr David Y.T. Lui - owning a flat in Yau Yat Chuen

138. Mr Ivan C.S. Fu had declared interest in respect of OZP No. S/K18/18 for having business dealings with Masterplan Limited who was the consultant of one of the representers (R376).

139. As the item was procedural in nature, Members agreed that the above Members could stay in the meeting. Members noted that Mr Laurence L.J. Li, Mr Stephen H.B. Yau, Mr Clarence W.C. Leung and Mr Dominic K.K. Lam had tendered apologies for not being able to attend the meeting and Ms Julia M.K. Lau and Ms Janice W.M. Lai had left the meeting.

Exhibition of S/K18/17 under Section 5

140. The Secretary said that on 15.2.2013, the draft Kowloon Tong OZP No. S/K18/17 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the 2-month exhibition period, 25,847 representations were received. On 21.5.2013, the representations were published for public comments and in the first three weeks of the publication period, 2,980 comments were received.

141. After considering the representations and their related comments under section 6B(1) of the Ordinance, the Board decided on 26.3.2014 to propose amendments to the OZP to meet/partially meet 25,834 representations relating to Item A by rezoning the southern portion of the ex-LWL site from “Residential (Group B)” (“R(B)”) back to “Government, Institution or Community(9)” (“G/IC(9)”) and to delete the Notes for “R(B)” zone. For the objecting representation relating to zoning of the site at Dumbarton Road from “G/IC(3)” to “R(C)9”, the Board decided not to uphold it.

142. On 23.5.2014, the proposed amendments to the draft Kowloon Tong OZP No. S/K18/18 (relating to the southern portion of the ex-LWL site) were published under section 6C(2) of the Ordinance for three weeks for further representations. Upon expiry of the three-week publication period, 23 valid further representations were received.

143. On 1.8.2014, after considering the further representations, the Board decided to amend the draft OZP by the proposed amendments.

Exhibition of S/K18/18 under Section 7

144. On 20.12.2013, the draft Kowloon Tong OZP No. S/K18/18 was exhibited for public inspection under section 7 of the Ordinance. During the two-month exhibition period, a total of 532 representations were received. On 7.3.2014, the representations were published for three weeks for public comments and 2 comments were received. All the representations and comments supported the amendments.

145. On 18.7.2014, the Board considered and noted the representations and comments, which were all supportive in nature, under section 6B(1) of the Ordinance.

146. As the representation consideration process had been completed, the draft Kowloon Tong OZP was ready for submission to the Chief Executive in Council (CE in C) for approval in accordance with section 8 of the Ordinance. For submission to the CE in C, opportunity had been taken to update the Explanatory Statement (ES) to reflect the latest position of the draft OZP and the latest developments in the area.

147. After deliberation, the Board :

- (a) agreed that the draft Kowloon Tong OZP No. S/K18/18A and its Notes at Annexes I and II of the Paper respectively were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated ES for the draft Kowloon Tong OZP No. S/K18/18A at Annex III of the Paper as an expression of the planning intention and objectives of the Board for the various land use zonings on the draft OZP and issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

Agenda Item 10

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

148. There being no other business, the meeting closed at 2:00pm.